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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION  
OFFICE OF ENERGY PROJECTS

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COMMENTS on the DRAFT :

ENVIRONMENTAL IMPACT : FERC No. 2105

STATEMENT for the UPPER :

NORTH FORK FEATHER RIVER :

PROJECT, CALIFORNIA :

-----x

Veteran's Memorial Hall  
225 Gay Street  
Chester, California 96020  
Tuesday, October 19, 2004

The above-entitled matter came on pursuant to notice  
at 6:11 p.m.

1       BEFORE:

2                   JOHN MUDRE, Facilitator  
3                   Federal Energy Regulatory Commission  
4                   888 First Street, N.E., Room 51-19  
5                   Washington, D. C. 20426

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P R O C E E D I N G S

(6:11 p.m.)

MR. MUDRE: All right. We have a good crowd here tonight. I want to thank everyone for coming. My name is John Mudre, and I'm with the Federal Regulatory Energy Commission. I'm on the staff of the Commission. With me up here tonight are Frankie Green and Brian Mattax. And they're on the Commission's support contractor for preparing our environmental documents. And they helped us prepare the Draft Environmental Impact Statement.

The purpose of tonight's meeting is to get your comments on the Draft EIS and to tell you how you could also provide us comments in writing. We're going to have a few added surprises along the way, I think, too.

But I want to start out by just telling you a little bit about the Federal Regulatory Energy Commission and what we do and kind of how we do it. So we'll start with that.

The FERC is an independent agency, independent federal agency, that regulates electric power, natural gas, oil pipelines, and the hydroelectric industry. The Commission is composed of five Commissioners that are appointed by the President and confirmed by the Senate. And the President designates the Chairman of the Commission.

Like I said, the Commission administers the

1 nonfederal hydropower projects, not the Corps of Engineers  
2 or BOF projects, but just the nonfederal projects.

3 The part of FERC that deals with the  
4 hydroelectric industry is composed of three divisions. We  
5 have the one group that issues licenses and relicenses the  
6 projects. And that's the group that I'm in.

7 We also have the Hydropower Compliance and  
8 Administration Group. And what they do is, after a license  
9 is issued, they sort of track the project and make sure that  
10 the licensee is doing everything that the license says that  
11 they need to do. If they want to amend the license, they  
12 are the people that do license amendments. They're the ones  
13 that review the plans and reports that are done pursuant to  
14 a license once its issued.

15 We also have a very active Dam Safety and  
16 Inspection Program. Some of you may know that we required  
17 the strengthening of two of this project's dams back in, I  
18 think, 1996 and 1997 for seismic remediation because PG&E's  
19 studies show that they would -- at least one of them  
20 wouldn't survive the maximum credible earthquake. So  
21 they've been fixed and they're in good shape at this point.  
22 But they're continually inspected and, if they need  
23 something, it gets done.

24 Our main office is in Washington, D.C. And we  
25 have five regional offices. The San Francisco Regional  
26

1 Office has oversight for the Upper North Fork Feather River  
2 Project.

3           Again, we issue licenses for hydropower projects.  
4 And under the Federal Power Act we have the authority to  
5 issue licenses for terms of between 30 and 50 years. The  
6 licensed projects must serve the public interest. We don't  
7 just consider electric generation, but we need to consider a  
8 broad range of resource issues, including recreation,  
9 cultural resources, all sorts of thing. We have to balance  
10 the pluses and minuses of different proposals.

11           I'm just going to give a brief overview of the  
12 licensing process so that you can kind of get a feel for  
13 where we are in this case. It starts out when an applicant  
14 files a license application. Once that comes in, we look it  
15 over and make sure it's adequate, that all the parts are  
16 there that need to be there. If they're not, we ask for the  
17 additional information that we need.

18           Once we have all the information we need, we  
19 begin our environmental review process which, in most cases,  
20 is the preparation of an environmental impact statement. We  
21 do draft EISs, which we send out for comments. And then  
22 based on the comments, we make changes to and then issue a  
23 FEIS.

24           The Commission uses the EIS to decide whether and  
25 under what conditions to issue a license for the project.

26

1       Once the Commission issues a license, the applicant must  
2       decide whether or not they want to accept it. And once the  
3       license is accepted and in force, they can be amended or  
4       changed after that by filing an amendment application or  
5       through something known as a reopener process. So there are  
6       ways of changing what's in a license after it's issued.

7                 Fortunately or unfortunately, depending on your  
8       point of view, we're not the only agency that says what  
9       could be in a license. There are other agencies who have  
10      the ability to place conditions on a license and the  
11      Commission has no discretion to change those conditions.

12                Examples would be Forest Service 4(E) conditions  
13      that -- it's sort of for the protection of Forest Service  
14      lands. Another is the Department of Interior and the  
15      National Fishery Service can prescribe fish passage  
16      facilities. And if they do that, we have to require it.

17                Another big one is the State Water Resources  
18      Control Board has to issue a water quality certificate  
19      before we can issue a hydropower license. And they have  
20      conditions to their water quality certificates. And we have  
21      to include those conditions in the new license.

22                Ideally, these recommendations and mandatory  
23      conditions are considered in our environmental impact  
24      statement, but sometimes they're not because, oftentimes,  
25      particularly with the water quality certificates from the

26

1 State Water Resources Control Board, we don't -- they like  
2 to look at our documents before they put their conditions  
3 together. And sometimes they have to do their own analyses,  
4 because issuing a water quality certificate is a  
5 discretionary act by a state agency. They have  
6 responsibilities under the California Environmental Quality  
7 Act, and they may have to do an EIR, environmental impact  
8 statement.

9 So we don't always -- everything that's going to  
10 be in the license is not necessarily analyzed in our final  
11 EIS. If something does pop up that looks like it's going to  
12 have a good potential to have major unexpected impacts, we  
13 can do the supplements to our EIS, or something like that,  
14 to take that into account.

15 Scott, can you go back one?

16 Now these mandatory conditions, as I said, we  
17 can't change them. However, most of them can be appealed in  
18 either the courts or the different agencies have an appeal  
19 process that can be gone through if someone wants to appeal  
20 one of these mandatory conditions.

21 Okay. This is probably why most of you are here  
22 tonight. And I wanted to say a few things about the thermal  
23 curtain, or what's come to be known as the thermal curtain.

24 As background, in the relicensing of the Rock  
25 Creek-Cresta Project, which is down the Feather River a bit,

26

1 PG&E agreed to study and to potentially implement measures  
2 to provide cooler water to the Rock Creek and Cresta reaches  
3 of the North Fork Feather River.

4 In its licensing order, the Commission said:  
5 Well, you can agree to do that in your Settlement Agreement,  
6 but we're not going to include it in the Rock Creek-Cresta  
7 license, because some of the measures that they were talking  
8 about, such as the modification of the Prattville Intake,  
9 affect another FERC project. So the Commission didn't  
10 include that in the Rock Creek-Cresta license. They had to  
11 do something to the Prattville Intake.

12 In fact, what the Commission said was that any  
13 modifications to the Upper North Fork Feather River Project  
14 must be considered in the context of that project. Now that  
15 could occur either in this relicensing process, or it could  
16 occur after a license is issued as a license amendment  
17 proceeding.

18 I think the main thing or a very important thing  
19 to consider is that as of this time we have received no  
20 proposal from PG&E to modify the Prattville Intake. Okay.  
21 If and when we receive that proposal to modify the Upper  
22 North Fork Feather River Project facility, the operation,  
23 what we would do would be to issue a public notice that  
24 we've received this proposal and later request public  
25 comments on that proposal.

26

1                   We would then conduct an independent  
2 environmental analysis to look at the pluses and minuses of  
3 the proposal and then decide whether or not this is  
4 something that should be approved and become part of the  
5 license. And that's it for the introductory material that I  
6 wanted to provide.

7                   What we're going to do right now, Frankie is  
8 going to briefly go through a presentation that talks about  
9 from a little different perspective the licensing proceeding  
10 here, how we got to this point, talk a little bit about the  
11 DEIS. And at this point I'm going to turn it over to  
12 Frankie.

13                   MS. GREEN: Thank you, John.

14                   As John mentioned, we're here to talk about the  
15 Draft Environmental Impact Statement for the Upper North  
16 Fork Feather River Project. This is just a brief agenda.  
17 We have already done introductions. We're going to talk a  
18 little bit -- I guess John has already talked about the  
19 purpose of the meeting. I want to talk a little bit about  
20 the history of this proceeding, how we got to this point  
21 where the Draft EIS has been issued, the basis for our  
22 analysis in this DEIS, and our conclusions, and what happens  
23 next, what's next in the Draft EIS process.

24                   So the purpose of our meeting tonight is to  
25 receive oral and written comments and recommendations from  
26

1 those of you in the public, as well as agencies and other  
2 nongovernmental organizations on the Draft EIS. So how did  
3 we get here?

4 Here are some key milestones in the process of  
5 the Upper North Fork Feather River Project Relicensing. On  
6 October 23rd, 2002, PG&E filed their application to  
7 relicense this project. On December 26, 2002, FERC issued  
8 the notice accepting the application and also asked for any  
9 motions to intervene or protest.

10 On April 25th, 2003, FERC issued Scoping Document  
11 1 to identify issues and alternatives that would be  
12 considered in this Draft EIS. At that time, some of you may  
13 remember, we had a meeting in May. On May 20th and 21st we  
14 had a site visit and scoping meetings to talk about what we  
15 would be analyzing in the EIS.

16 After looking at everything we had on the record  
17 and looking at comments that came in, on June 23rd, 2003,  
18 FERC issued an additional information request. We decided  
19 there were some things that we needed to hear about and know  
20 about in order to do a more thorough analysis. And in the  
21 summer of 2003, PG&E provided that information that we  
22 requested.

23 However, in August of 2003 FERC issued Scoping  
24 Document 2, which addressed the comments on Scoping Document  
25 1. On August 25th, 2003, after all the responses to the  
26

1 additional information had come in, FERC issued their Ready  
2 for Environmental Analysis Notice, meaning we had everything  
3 we needed; we were going to go forward with this Draft EIS.

4 On March 5th, 2004, PG&E filed the Draft Project  
5 2105 Relicensing Settlement Agreement. We had heard about  
6 that when we were out here for our scoping meetings that  
7 there were collaborative discussions taking place and we  
8 were pleased to see something come in so that we were not  
9 just operating in a vacuum. We were very interested in what  
10 the Collaborative Group had to say.

11 And on April 30th, 2004, PG&E actually filed the  
12 signed Final Project 2105 Relicensing Settlement Agreement.  
13 PG&E also made it clear at that time that there were certain  
14 issues that had not been addressed in that Settlement  
15 Agreement, including water temperature.

16 On September 7th of this year, PG&E withdrew its  
17 request for Water Quality Certification. As I mentioned  
18 earlier, that in order to license a project we have to see a  
19 water quality certificate from the state indicating that the  
20 project is in compliance with the Clean Water Act.

21 And the application for a water quality  
22 certification is only good for one year. So PG&E withdrew  
23 that application and refiled it, and that started the  
24 one-year clock for the State Water Resources Control Board  
25 to take action.

26

1                   On September 13th of this year, the Draft EIS was  
2 issued. On September 14th, right after this Draft EIS went  
3 out, FERC requested a Biological Opinion from the U.S. Fish  
4 and Wildlife Service. That has to be done under Section 7  
5 of the Endangered Species Act.

6                   If any of you have had an opportunity to read the  
7 Draft EIS, you know there are some endangered species that  
8 may be affected by this project.

9                   September 15th, FERC issued the public notice of  
10 the Settlement Agreement that had been filed by PG&E in  
11 April and requested comments on that Settlement Agreement.  
12 And also on that day FERC sent a letter to the U.S.  
13 Department of Interior to resolve potential inconsistencies  
14 with Section 10(J) of the Federal Power Act.

15                   And then today we're here for the public meetings  
16 on the Draft EIS today. And then tomorrow afternoon we'll  
17 be meeting in Chico.

18                   So I want to talk a little bit about the basis of  
19 our analysis and our conclusions in the Draft EIS.

20                   The National Environmental Policy Act or NEPA  
21 requires FERC to conduct an independent analysis of  
22 environmental issues. Our analysis considered the water  
23 quality, fish and wildlife, recreation, and other  
24 nondevelopmental values. Cultural resources and  
25 socioeconomics were also considered in our Draft EIS of the  
26

1 waterway equally with electric energy and other  
2 developmental values.

3 Strong consideration was given to the protection,  
4 mitigation, and enhancement measures that were included in  
5 the Project 2105 Relicensing Settlement Agreement. And our  
6 conclusions and recommendations are included in the Draft  
7 EIS are based on the public record for this project,  
8 information that we had received throughout that whole  
9 process that I just went through.

10 There were three alternatives we considered in  
11 this Draft EIS. The first one was the proposed action that  
12 PG&E had filed as part of its license application and also  
13 in the Settlement Agreement.

14 And then we looked at the Staff-Recommended  
15 Alternative, which was basically PG&E's proposed action with  
16 some additional staff-recommended environmental measures,  
17 things we came up with on our own, based on our analysis.

18 And we also looked at a No-Action Alternative.  
19 And what that actually means is that the project would  
20 continue as it currently operates; nothing would be changed.  
21 But it doesn't mean the project would go away; it just means  
22 that it would be as-is, status quo.

23 So if anybody is interested in seeing the  
24 information we looked at, what's on the public record for  
25 this project, you can go to FERC online at that address  
26

1 right up there, [www.ferc.gov](http://www.ferc.gov). And using their eLibrary  
2 link, it's pretty self-explanatory if you ever go their  
3 site. Just select general search and enter the docket  
4 number. The docket number for this project is P-2105. And  
5 then just follow the instructions on the screen. However,  
6 if you have problems there is a phone number that you can  
7 use to get some assistance.

8 This is the location of the project. I think  
9 most of you are very familiar with the project location.  
10 Just a brief overview: Lake Almanor is the uppermost  
11 reservoir. Butt Valley Reservoir is below that. And then  
12 there's a small forebay down at the Belden, down at Belden.  
13 And there were five powerhouses involved: Butt Valley  
14 Powerhouse, Caribou Powerhouses 1 and 2, Oak Flat  
15 Powerhouse, and the Belden Powerhouse.

16 So what happens next? Comments on the Draft EIS,  
17 which you're welcome to make in writing if you don't care to  
18 say anything tonight orally. They are due on November 1st.  
19 Comments on the Settlement Agreement are also due November  
20 1st.

21 We're expecting to get a 10-day response from  
22 Interior. There were some inconsistencies with the Federal  
23 Power Act the way we did their recommendations. Those are  
24 due from them on November 1st. We hope to resolve all these  
25 10(j) issues by December of this year. The Biological  
26

1 Opinion from the Fish and Wildlife Service is due January  
2 31st, 2005. If everything happens like we say or like we  
3 expect it to, we should issue a Final EIS in the spring of  
4 2005, hopefully in March of 2005.

5 However, we don't when the water quality  
6 certificate will be issued. And as John mentioned, we can't  
7 -- FERC cannot issue a license without that water quality  
8 certification.

9 Final 4(E) conditions should be filed by the  
10 Forest Service in the spring, sometime after the Final  
11 Environmental Impact Statement. Once we have a water  
12 quality certificate, as well as the final 4(E) conditions,  
13 the license order will be issued.

14 If you'd like to receive a copy of the Draft EIS,  
15 we do have some available up here. Unfortunately, we don't  
16 have as many as we'd hoped. Some things didn't seem to make  
17 it in the mail, but we do have some, or you can contact  
18 FERC. There's a phone number up there. You can contact  
19 Susan Dupree at FERC, or you may email her. And there's no  
20 charge for the Draft EIS. They will send it to you free of  
21 charge, or you may contact John Mudre if you have any  
22 questions about the relicensing. John's phone number is up  
23 there.

24 So just more point. Comments are due on the  
25 Draft EIS no later than November 1st, 2004. If you do  
26

1 decide to file written comments, please make sure you put  
2 the docket number at the top of your first page of your  
3 filing. That's Project Number 2105-089. That way it gets  
4 filed in the correct public record. And you submit all  
5 comments to the Secretary of the Commission. That's Magalie  
6 Salas. And the address for the Commission is up there.  
7 It's also available in the Draft EIS.

8 MR. MUDRE: Thank you, Frankie.

9 I know there was a lot of information on some of  
10 those slides at the end. The addresses and instructions for  
11 filing comments on the Draft EIS and on the Settlement  
12 Agreement are contained in the notices that we've issued.  
13 So they're available on our website, or some people may have  
14 copies. I think what I'll also do is maybe give Bill  
15 Dennison a copy of this presentation. And then he can get  
16 the information to whoever wants it. And we'll do that,  
17 too.

18 Yes.

19 MR. DYOK: Wayne Dyok, consultant. Could I ask a  
20 question regarding that schedule. John, you last said there  
21 --

22 THE REPORTER: Excuse me. Could you come to the  
23 mic?

24 MR. DYOK: Oh, I'm sorry.

25 MR. MUDRE: Yes. I'll explain something about  
26

1 the mics here and a few other issues, maybe, at this point.

2 We have a court reporter here today who is making  
3 a record of the comments that people give us, so we can make  
4 sure we accurately get these comments put into the record so  
5 we can use them in this proceeding.

6 MR. DYOK: Wayne Dyok. When do you use that --

7 MR. MUDRE: I was going to get to that.

8 MR. DYOK: Oh, I'm sorry.

9 MR. MUDRE: He can't hear you, either.

10 So to do that, she has an array of microphones  
11 here. Half of them on this table and at that podium, those  
12 microphones are only hooked into her machine.

13 The only microphone we have that amplifies voices  
14 is the one I'm holding in my hand here. So the questions  
15 and answers are going to be -- I'm going to just pass this  
16 back and forth. But when it comes time to take comments,  
17 we'll move this mic down to the podium here.

18 When you do give any comments here, what you'll  
19 need to do is provide your name and maybe spell it, if it's  
20 not apparent to the court reporter so she can make sure she  
21 gets that into the record properly, too. Speak slowly, or  
22 she'll probably raise your hand, or something, if you start  
23 speaking too fast, because it's important that we record  
24 this and get it right.

25 MR. DYOK: (Speaking out of range of the  
26

1 microphone.)

2 MR. MUDRE: Are you trying to quiet me down?

3 MR. DYOK: No, no. I was just trying to help you.

4 (Laughter.)

5 MR. DYOK: My name is Wayne Dyok, D-y-o-k. I'm a  
6 consultant to Plumas County, and I'd like to ask a  
7 clarification question.

8 On the schedule I believe, Frankie, you had  
9 mentioned that the Final EIS would be due around March of  
10 2005, assuming you can deal with the 10(J), the 4(E), and  
11 the Biological Opinion.

12 MS. GREEN: Yes.

13 MR. DYOK: If you do not have one but you have  
14 all the other items wrapped up, would you -- would the  
15 Commission still issue its FEIS in March of 2005?

16 MR. MUDRE: Yes, we will. We don't -- it's not  
17 our practice to wait around until we have a water quality  
18 certificate to finish our environmental analysis. So it's  
19 not unusual for us to issue our EIS before we get the water  
20 quality certificate. It's unfortunate, but that's the way  
21 it is.

22 Let's see. I think at this point what might be  
23 useful is I'm going to ask Tom Jereb of PG&E to give  
24 everyone here, including myself, and Frankie, and Brian an  
25 update on exactly what is the status of what's been referred

26

1 to as the thermal curtain or measures to provide colder  
2 water downstream in the North Fork Feather River.

3 Again, this was something they agreed to do as  
4 part of Rock Creek-Cresta relicensing. I know they've been  
5 having lots of meetings and doing studies. We're not  
6 exactly sure, you know, where they are in the process. So  
7 we'd like to hear. And I'm sure that probably there are a  
8 lot of people that would also like to find out what's going  
9 on with that. So, do you want to come up here and sit down,  
10 or do you want to talk on the podium. Where do you want to  
11 speak?

12 MR. JEREB: Why don't I come up there.

13 MR. MUDRE: You can have my seat for a while.

14 MR. JEREB: Yes. I'll sit next to Frankie.

15 Again, my name is Tom Jereb. It's spelled  
16 J-e-r-e-b. And I'm with Pacific Gas and Electric. I manage  
17 the relicensing projects on the Feather River. I have a  
18 little slide show here, about a ten-minute slide show, to  
19 give you an update, John, of what we're doing to look out  
20 the feasibility of obtaining cold water on the North Fork of  
21 the Feather River. This is the first time you have seen any  
22 of this, so I'm trying to be brief and basic.

23 The background for this, as you mentioned, is  
24 that we've been evaluating the feasibility of obtaining cold  
25 water on the North Fork of the Feather River as a part of

26

1 the relicensing for not only the Upper North Fork Feather  
2 River, but the Rock Creek-Cresta Project, and the Poe  
3 Projects, three particular projects on the Feather River.

4 Currently the North Fork Feather River water  
5 temperatures are affected by our operations. And water  
6 temperature has been a major issue with the resource  
7 agencies involved in relicensing.

8 Those agencies include, as you mentioned earlier,  
9 the State Water Resources Control Board, which is a  
10 principal-controlling agency because of their 401  
11 certificate issuance; the California State Department of  
12 Fish and Game; the U.S. Fish and Wildlife Service; the U.S.  
13 Forest Service; the National Park Service; and, lastly, the  
14 National Marine Fisheries. So those agencies we're involved  
15 with in our Collaborative Group, which has been ongoing for  
16 over two years.

17 In the last year or so, we've been looking at  
18 this water-temperature issue and doing -- we've had many  
19 meetings on that. As you mentioned earlier, the principal  
20 driver of this is our Rock Creek-Cresta recently-issued FERC  
21 license. Also included we have a Settlement Agreement for  
22 the Rock Creek-Cresta Project which was signed in the year  
23 2000.

24 In that Rock Creek-Cresta license, there's a  
25 condition within that that we're ordered to reasonably  
26

1 protect the cold water fish habitat by maintaining a  
2 20-degree Centigrade, Celsius, or less in the Rock Creek and  
3 Cresta reaches to the extent that the licensee can  
4 reasonably control such measures. So this is the goal that  
5 we're trying to achieve and look at as how to achieve that.

6 MR. MUDRE: John Mudre here. All right. Could  
7 you back up one slide, Scott? Okay.

8 Now is that a license condition, or are you  
9 talking about a condition of the Settlement Agreement?

10 MR. JEREB: It's a license condition. This is in  
11 the --

12 MS. GREEN: Is that license condition, is that  
13 reflected in the water quality certification, as well, or is  
14 that something that was just given to you by FERC?

15 MR. JEREB: It was something that was given to us  
16 by FERC. There is no water quality certification on the  
17 Rock Creek-Cresta because of a one-year expiration date,  
18 which the Water Board failed to meet.

19 MR. MUDRE: Yes, that's correct.

20 MR. JEREB: There is no certificate on that.

21 So this is what our license for the Rock  
22 Creek-Cresta Project requires us to do.

23 In the Settlement Agreement that accompanied that  
24 license we agreed to look at the Prattville Intake and look  
25 at any kind of measures that we could do to try and attempt  
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1 to get colder water from downstream. And we've done that.  
2 And we have seven different studies that have been done.  
3 And those results -- and you have not seen any of those.  
4 Our Collaborative Group is reviewing those and the  
5 information within those.

6 Let me tell you a little bit about Lake Almanor,  
7 just a little background for you about it. Here's an old  
8 profile of the lake. The left-hand lobe here is a shallow  
9 lobe. The right-hand lobe is a deeper area. The dam is  
10 down here on the lower right side down here. Our intake for  
11 the power intakes are over here called Prattville. There's  
12 a channel that was dug out in the lake that goes out this  
13 way to help get water from this deeper lobe over here into  
14 this area.

15 So this is a general configuration of the lake.  
16 It's a deeper part out in this area, much shallower up in  
17 this area.

18 Next slide, Scott.

19 How is the water temperature affected in the  
20 lake? From top to bottom and from one location to the next.  
21 Next slide, Scott.

22 We've done water-quality sampling in the lake at  
23 these various locations. And the next slide will show the  
24 results of these locations. These are profiles done in each  
25 of those locations in June and July. What we see here are

26

1 the lake -- each of those locations, at each point it's very  
2 homogeneous.

3 This is how, as we get deeper in the lake, it  
4 becomes colder, and colder, and colder. The thermocline,  
5 which is an area about 30 feet deep, is a subject area that  
6 we've been discussing with our Collaborative Group, because  
7 it's an area in which the colder-water fish like to reside.  
8 It contains cold water and it also contains dissolved oxygen  
9 enough for them to breathe and live. Next slide, Scott.

10 This stratification, as any typical lake, begins  
11 in early summer. It's fully developed by mid-summer. And,  
12 finally in the fall, when it cools down, the lake turns over  
13 and the lake becomes isothermal. Very typical for any large  
14 lake and reservoir.

15 In evaluating, we have a consultant team made up  
16 of ourselves, Bechtel, University of Iowa, Black and Veatch,  
17 Jones and Stokes, and Tom Payne and Associates. Again, as I  
18 said, we've got seven different studies that have been  
19 ongoing and are complete.

20 We've evaluated here at Lake Almanor three  
21 various alternatives: A floating curtain alternative; we've  
22 evaluated a submerged hooded pipe; and last we've evaluated  
23 dredging some channel work out in the lake. In that earlier  
24 slide I highlighted, there's a man-made channel out into the  
25 lake.

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1                   When they built that back in the early 1900s,  
2 they took the material and just put it up on the bank. And  
3 so what it's doing is it's inhibiting some of the cold water  
4 to be able to get to the Prattville Intake.

5                   A major study that we did was done by the  
6 University of Iowa. And they did hydraulic modeling and  
7 numerical modeling of this area in Lake Almanor. Next  
8 slide, Scott.

9                   Here's some slides of them making this model back  
10 at the University of Iowa. It's a full-scale model,  
11 something like a swimming pool about two or three feet deep.  
12 We built the contours of that section of the lake, plumbed  
13 it with heating and cooling elements. Next slide, Scott.

14                   And here's what it ended up looking like. The  
15 intake's over in this right-hand area over here. And so we  
16 were able to use this model with inflowing water at various  
17 temperatures to model this intake to see if we could,  
18 indeed, design some kind of structure to get colder water  
19 out of the lake.

20                   This floating curtain idea, it's not unusual.  
21 This is one that's up here in a lake in California,  
22 Whiskeytown. This is a curtain that would be very similar  
23 in size to the one that we're evaluating. These are two  
24 slides of it. These are floating steel tanks with the  
25 curtain suspended underneath this that lays down into the  
26

1 lake. And the object of it is to get colder water going  
2 underneath it.

3 Our evaluation, we've looked at various  
4 alternatives. Curtain number 4 seems to be the most  
5 efficient curtain. It's 900 feet out in the lake and about  
6 700 feet wide. This is the channel going into the lake.  
7 There's these dikes that I mentioned here. We have a  
8 dredging option of dredging these dikes. There's about  
9 24,000 cubic yards of dredging in one of the alternatives  
10 that we're looking at.

11 This is an aerial shot showing the curtain in  
12 here. This chunk out here is just a void in the arrow.  
13 It's not the peninsula. This shows the curtain overlaid on  
14 this aerial in the intake area. Again, 900 feet out in the  
15 lake and about 700 feet wide. This land is all owned by  
16 PG&E. In perspective you can see the marina just to the  
17 upper side of it. This is the log boom that goes out on  
18 that marina.

19 Yes, indeed, this is a large structure out into  
20 the lake and will be visible and have some visual impacts  
21 associated with it. Here's an aerial of the entire lake and  
22 showing it on here in this area right here.

23 Now the modeling results, the numerical and  
24 physical model shows that -- we ask ourselves: Can this  
25 thing be effective? And the answer we come up with the

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1 model: Yes, it can. We currently have about 21 degrees of  
2 water withdrawal in August coming out of the lake at those  
3 intakes, that Prattville. The curtain number 4 with the  
4 levees removed, we can get it down to 16 degrees. These  
5 were the other options that we looked at, and you can see  
6 that it's less effective.

7 So we focused in on this curtain number 4 with  
8 the levee removal. Here's a profile within the lake of  
9 what's going to happen to the lake with this alternative.  
10 On the right hand it shows temperatures in the lake. And  
11 we've concluded that the lake surface area would warm up  
12 from zero to one-half degrees Centigrade on an average.

13 We've concluded that the thermocline in this  
14 area, in which the cold-water fish live and reside, would  
15 drop anywhere from zero to ten feet. On the left-hand side  
16 over here this is the dissolved oxygen in the lake. It  
17 looks like the dissolved oxygen would increase just  
18 slightly, not too much on the surface. The thermocline  
19 would be dropping. And so the dissolved oxygen would follow  
20 this simulated-web curtain, this solid line here.

21 So there are some impacts related to these  
22 proposals that we're looking at. Our findings to date have  
23 been that there -- of course, as I mentioned, there is  
24 annual stratification of the lake. And this occurs each and  
25 every year.

26

1                   In the summertime the reservoir's physical  
2                   habitat is confined to this thermocline. This is for cold  
3                   water. It's very important. We define this cold water,  
4                   thermocline physical habitat for cold-water fish as  
5                   dissolved oxygen greater than five parts per million and  
6                   temperature less than 22 degrees Centigrade. So that's  
7                   where they live in this window.

8                   We have some volumes which we defined within  
9                   that. We, as I mentioned earlier, our modeling -- we have  
10                  not changed in any of our modeling any of the lake-level  
11                  elevations that are prescribed in our Settlement Agreement  
12                  with our Collaborative Group. So our models run with those  
13                  prescribed lake levels.

14                 As I mentioned earlier, the thermocline would be  
15                 lowered from zero to ten feet. The water surface  
16                 temperature would be increased from zero to .5 degrees  
17                 Centigrade.

18                 We've had some conclusions about this thermocline  
19                 and the surface-water temperatures. They're within the  
20                 normal variation of what the lake has seen in the last 33  
21                 years' worth of records.

22                 The curtain induces, we believe, insignificant  
23                 changes in the cold water physical habitat when compared to  
24                 this natural seasonal variation. It's not to say that they  
25                 may be more frequent, but they may be insignificant. But we  
26

1 are discussing that with our Collaborative Group of what is  
2 significant and what is not significant.

3 And, lastly, that downstream we're looking at --  
4 of course, we're going to be getting lower temperatures  
5 downstream, but this water off the bottom or lower levels of  
6 Lake Almanor is very low in dissolved oxygen. And when it  
7 comes out of Butt Valley Powerhouse it'll be low in  
8 dissolved oxygen and actually below basin standards.

9 And here's a diagram of that down in Butt Valley  
10 Powerhouse. And basin standards is in the seven parts per  
11 million where this red is existing. And we're at that now.  
12 And with this Prattville Intake, this dissolved oxygen would  
13 get down to the one to two parts per million. And fish  
14 don't like that.

15 So we're looking at alternatives at what to do  
16 with this dissolved oxygen problem that the curtain would  
17 create.

18 Lastly, ask yourself: Well, it's cold water. If  
19 we're able to get cold water downstream, what will it do  
20 downstream? These profiles here show the effect of the  
21 curtain downstream in relation to water temperature. This  
22 is in a normal August year with a 50-percent exceedence. So  
23 this is just essentially a normal year during normal  
24 meteorology.

25 And what you see down -- this is a traverse going  
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1 about 40 miles down river, 50 miles down river. And it  
2 shows you each river of existing -- which is the red line --  
3 and some of these proposals that we're looking at, these  
4 lower lines here.

5 So take, for example, down at Rock Creek-Cresta.  
6 Do you remember this 20 degrees Centigrade as our goal and  
7 objective. Currently in August of a normal year, we're  
8 exceeding 20 degrees down there almost all the time.

9 Now this curtain or curtain alternatives will get  
10 us below that. So that's what this chart shows here. This  
11 is the Cresta reach and down on the Poe reach. Next slide,  
12 Scott.

13 This is an extreme August, 25-percent exceedence.  
14 So this is a drier year and warmer meteorology. And you see  
15 here existing -- we're up to 22 degrees here. And the  
16 curtain will get us down to about 21 degrees, 20 degrees, in  
17 that range.

18 So these are the end products of some of the  
19 studies that we've been currently undergoing and discussing  
20 with our Collaborative Group.

21 The next step, we're going to continue with our  
22 2105 Collaborative Group, as many members are here tonight.  
23 We're working with our Rock Creek-Cresta Ecological Resource  
24 Committee. That's a part of the Rock Creek-Cresta license.  
25 And, lastly, we're working with the Poe Relicensing  
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1 Collaborative Group in evaluating the feasibility of all  
2 alternatives to achieving colder water on the North Fork of  
3 the Feather River.

4 That's the end of my presentation, John. And I  
5 wanted to just let you know that. PG&E is currently  
6 preparing written comments that are due at the end of this  
7 month on the Draft EIS, and we'll be providing those to you.  
8 In those we're also going to include -- you asked in the  
9 Draft here for the 2002 and 2003 water-quality sampling  
10 data. We have that, and we'll be providing that to you.

11 You also asked for the fish-tissue analysis, and  
12 we'll be having that in our comments.

13 And, thirdly, we have some profiles of  
14 water-quality trends in Lake Almanor, which we'll be  
15 providing you also. So, thank you.

16 MR. MUDRE: Great. This is John Mudre again.  
17 Thank you, Tom. I've got -- don't run away -- just a couple  
18 of questions for you.

19 I mean what you showed this evening's focus  
20 mainly on Lake Almanor, but I guess it's my understanding  
21 that you're also looking at some other measures that could  
22 provide or help provide colder water downstream that may not  
23 involve Lake Almanor. Could you just briefly say a few  
24 words about those?

25 MR. JEREB: Yes. We're looking at other  
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1 alternatives, nonLake Almanor alternatives, to try and  
2 resolve our cold-water issues. We have six that we're  
3 looking at. And they include well water, digging wells and  
4 using well water to cool the river water.

5 We're looking at cooling, mechanically cooling  
6 the water using cooling towers. We're looking at piping of  
7 water out of the deep end of Lake Oroville. We're looking  
8 at vegetation and management for shading purposes. We're  
9 looking at piping of water out of Yellow Creek into the  
10 Feather River, bypassing Rock Creek Reservoir. And, lastly,  
11 we're looking at large reservoirs, building large  
12 reservoirs, to try and create some additional water, colder  
13 water, to use for cooling purposes.

14 So those six alternatives we're evaluating; we're  
15 discussing them with our Collaborative Group and trying to  
16 move forward with those as alternatives to the Prattville  
17 Intake curtain.

18 MR. MUDRE: Okay. Thank you for that. And now I  
19 have a hard question for you. And it's hard because you are  
20 in a collaborative process and there's, you know, lots of  
21 good ideas that go around and they need to be studied, but  
22 do you have any feel for when you may be at the point where  
23 you've got a decision and you're thinking, well, even now I  
24 think, you know, this looks like what we ought to propose to  
25 FERC and do that or, alternatively, you conclude that none

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1 of these measures are really going to meet the objective or,  
2 for some reason, they're not feasible.

3 I'm just trying to get some feel, if it's  
4 possible, for when you guys may be wrapping up this process.

5 MR. JEREB: Well, that's a very good question.  
6 When? And I can tell you what my thinking of this is. We  
7 have an upcoming meeting November 4th where we're going to  
8 continue to look at mixes of these alternatives. And so I  
9 would -- my crystal ball says it would take us one to two  
10 months to try and come to some kind of conclusion regarding  
11 these alternatives.

12 We're also looking at and evaluating with the  
13 Lake Almanor alternative is a high Seneca flow release,  
14 large flows out of the Canyon Dam, which we can get cold  
15 water and looking at that, blending it with the Caribou  
16 flows. It does bypass Butt Valley and Caribou Powerhouses.

17 But we're experiencing there the same situation  
18 that we would experience with the curtain. It would be  
19 mining cold water out of the lake. We can do it rather  
20 effectively with that. And so it would probably have the  
21 same impacts on the lake and the lake ecology as the curtain  
22 would. So that's another alternative that we're trying to  
23 evaluate.

24 MR. MUDRE: Tom, this is John Mudre again.

25 That brings up one other question for me. I know  
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1       you've done your temperature modeling, and a lot of things  
2       like that. Have you given any consideration or evaluated  
3       what the effects are on the ecology of Lake Almanor. And  
4       maybe you could just tell us what you've done along those  
5       lines.

6                   MR. JEREB: John, the answer to that is yes, we  
7       have the consultants, Tom Payne and Associates, which is a  
8       California-based aquatic biology firm looking at this.  
9       We've also had Jones and Stokes looking at this. We have  
10      two reports that are out that discuss the ecology impacts in  
11      Lake Almanor.

12                   Dr. Tu here, Scott Tu, -- Scott, would you stand  
13      up?

14                   DR. TU: (Standing up in front row.)

15                   MR. JEREB: Dr. Tu is PG&E's chief scientist in  
16      the water quality. And he's in charge of the water quality  
17      monitoring program and modeling program at PG&E. And so  
18      he's with me tonight and could answer any questions also.

19                   MR. MUDRE: And one last question. Maybe you  
20      recall, Tom, but I'm assuming that your Collaborative Group  
21      is going to be looking at the results of all these studies,  
22      both whether you can get the water downstream and you can  
23      get cold water out of Lake Almanor, is it still cold  
24      downstream? You know, what are the biological impacts of  
25      doing this, and are you going to consider all that

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1 information in coming up with your decision?

2 MR. JEREB: Yes. The answer to that is yes. All  
3 that information is coming forward in the forms of reports.  
4 And our Collaborative Group is under discussions with this  
5 information. And a key member of that, of course, is the  
6 State Water Resources Control Board. And they are there and  
7 participating actively in this process.

8 MR. MUDRE: Great. Very well. Thank you very  
9 much, Tom.

10 Okay. I've got the list here of people that want  
11 to speak? Yes, okay. Thank you for being --

12 MR. WILLHOIT: Could I ask a question about the  
13 process before we leave that?

14 MR. MUDRE: Thank you for being patient.

15 MR. WILLHOIT: My name is Mike Willhoit. I'm a  
16 member of the Plumas County 2105 Committee.

17 And specifically, John, I'd like to -- or whoever  
18 could answer this -- ask about the process that you'll  
19 follow from this point with the Fish and Wildlife Service.  
20 In the EIS on page 361, and you refer to, in a general way,  
21 you said, "We do not adopt Interior's recommendation to  
22 develop a water temperature management plan, fund and  
23 construct a modified Prattville intake, and fund other  
24 structure(s) to satisfy appropriate water temperature  
25 criteria..."

26

1                   Now I was curious when I read that, so I went  
2 online and I found their 10(j) recommendations on page 20,  
3 21. I found that they did recommend that a thermal curtain  
4 be put in and also found that they did say that the Rock  
5 Creek-Cresta Settlement and license require -- they agreed  
6 to the curtain, which I found to be a bit disingenuous.

7                   Now my question is: You said, and I understand  
8 that 10(j) conditions are just that, and they have to be  
9 included in the license. And that's a simplification,  
10 probably. But my question has to do with where you go from  
11 here in dealing with that specific issue and is the public  
12 precluded from that? Will there be no hearings? Are we  
13 shut out, as you go through that?

14                   MR. MUDRE: I'll try that one. Thank you.

15                   The 10(j) -- well, what we did -- and the part  
16 that you read in the Draft EIS was that we made a  
17 preliminary determination that that particular 10(j)  
18 recommendation of theirs was -- basically there wasn't  
19 evidence to support the need for it at this point, the  
20 substantial evidence standard.

21                   But the important point of it, the 10(j)  
22 recommendation, is that they are not mandatory conditions.  
23 The Commission has to give them due deference, but if we  
24 find, if the Commission makes a determination that -- a  
25 recommendation that's inconsistent with the Federal Power  
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1 Act or any other applicable law that we do not have to  
2 include those in the license.

3 So what we do at this point is we sent the letter  
4 to the Fish and Wildlife, Interior, and basically said,  
5 well, okay, you know, here are the recommendations you gave  
6 us and we adopted these. We've made preliminary  
7 determinations that these may be inconsistent with the  
8 Federal Power Act or some other law and with the implication  
9 being that, you know, we may not include those in the  
10 license.

11 So what we try to do now is talk to them and see  
12 if, well, maybe there is something else that can be done to  
13 achieve the same goals but that would be consistent with the  
14 Federal Power Act, or maybe they can show us, you know, that  
15 it's not inconsistent with the Federal Power Act.

16 So that part is basically a dialogue between us  
17 and them, although it is done on the record and so people  
18 can see these letters. And in some cases, if we can't  
19 resolve the issue right away with a letter, sometimes we'll  
20 hold a 10(j) meeting. Those are open to the public. So  
21 you're not excluded from that process.

22 Again, the good news, I guess, from your  
23 standpoint is that, again, these are not strictly mandatory  
24 conditions.

25 Okay. I've got the sign-in list here. It looks  
26

1 like about, maybe, 12 or 13 people indicated --

2 MR. DECOTO: Would you add another? I did not  
3 have an opportunity to sign it.

4 MR. MUDRE: Okay.

5 MS. HAFEN: Yes, I would want to, too.

6 MR. MUDRE: I can understand that. We have two  
7 things going here. We do want to get comments on the Draft  
8 EIS, things that people think we did right; things that we  
9 did wrong; things that we overlooked. So we're interested  
10 in hearing specific comments on that.

11 I know there's a lot of people here that want to  
12 give us their opinion on the thermal curtain. And based on  
13 the amount of time we have left and the people who want to  
14 speak, we don't mind hearing from you tonight on that. I do  
15 want people to understand, though, that from our standpoint  
16 these comments are, in a way, premature because there is no  
17 proposal in front of the Commission to do anything with  
18 this. But at the same time if I lived here, I'd probably be  
19 in one of those seats, too, so...

20 (Laughter.)

21 MR. MUDRE: Normally what we do is if there are  
22 any elected officials or representatives of supervisors,  
23 types of people, we'll let them speak first. And then if  
24 there's someone -- let's try this. If there's someone that  
25 just wants to make some comments on the Draft EIS and is not

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1 particularly interested in hearing about the thermal  
2 curtain, we could let them give us their comments first and  
3 then they can leave. And we can then talk at length about  
4 the thermal curtain, if that's what people want to do.

5 So I think first, though, maybe we'll have the  
6 supervisor speak. And then if there's someone that just  
7 wants to talk about the nonthermal-curtain parts of the  
8 Draft EIS, let them talk, and then we'll hear everyone else  
9 who wants to talk.

10 MR. DENNISON: I will be brief. Thank you, John.  
11 I'm William N. Dennison, D-e-n-n-i-s-o-n, Plumas County  
12 Supervisor District 3 and also the Chairman of the 2105  
13 Committee that's been working collaboratively with what's  
14 known as the 2105 Licensing Group, to keep them separate.

15 And during these past two years, I'm pleased to  
16 say that we have worked diligently to develop some very  
17 positive things together. And those have been put in the  
18 Settlement Agreement, as you noted. And I appreciate the  
19 fact that you've accepted most of them in your Draft  
20 Environmental Impact Statement.

21 With hours of committee work, we've been able to  
22 surmount great obstacles. We did it in a little different  
23 way. We didn't say: I want my way. We said: Can we live  
24 with it? And that really went a long way with the whole  
25 group. We even agreed with PG&E a couple times.

26

1 (Laughter.)

2 MR. DENNISON: The Lake Almanor 2105 Committee  
3 has not worked in a vacuum. These folks, we tried to keep  
4 them up to date as well as constituents. It's been somewhat  
5 difficult at times when we hold the meetings in Chico, but  
6 we've had the last two of them up here.

7 You'll find that the community and the Board of  
8 Supervisors takes little issue with most of what is found in  
9 the Draft Environmental Impact Statement. That's for the  
10 most part, other than the thermal curtain. You will find  
11 that the sequence of speakers will primarily be addressing  
12 only those areas where we either find ourselves in  
13 disagreement such as a thermal curtain within the EIS, or  
14 believe that something's misunderstood, or that there's a  
15 missing element.

16 There will be some tonight who will want to  
17 reference the DEIS in regard to the thermal curtain because  
18 it is referenced over a dozen times. And it's up there in  
19 front. Even though the curtains are not a specific proposal  
20 in the Draft EIS, we will appreciate your consideration of  
21 these statements that are made by these folks tonight  
22 because, first, the Prattville Intake modification was  
23 established as a primary source for water-temperature  
24 reduction in the Rock Creek-Cresta license, as you've noted,  
25 and whose construction is going to be determined in part on

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1 the Ecological Resource Committee, which kind of puts these  
2 folks out of the loop here for a while until it gets into  
3 CEQA analysis.

4 Second, the thermal curtains have been the only  
5 temperature-reduction proposal that's really been  
6 promulgated to this point. Yes, we've talked about some  
7 others, but that's been out in front.

8 And, third, the reason these folks are interested  
9 in it is because the ratepayers are going to be the one to  
10 pay for this \$53-million-and-rising installation. So I hope  
11 you will listen to these folks and understand that some of  
12 it is out of frustration, but most of it is out of the fact  
13 that they really are concerned about the lake.

14 Now this leads every thinking person who has seen  
15 all this in the Draft Environmental Impact Statement to  
16 believe that since FERC has had this on their radarscope  
17 since 1996 -- you recall that was when it's first noted, and  
18 it was turned down, but it keeps coming up -- there's really  
19 many people who believe that it's being considered very  
20 seriously, even today.

21 I'm certain you'll find no disagreement from  
22 those here today and certainly not from the Board of  
23 Supervisors that the issuance of a new of a new license is  
24 the opportunity to review, the opportunity for enhancement  
25 of our downriver fisheries and water quality. This is found  
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1 vividly in the Settlement Agreement.

2           However, we're here to say there must be a  
3 balance in how those positive attributes are developed and  
4 most certainly cannot be to the detriment of the prime  
5 fisheries of Lake Almanor and Butt Reservoir.

6           As an example, that concern I relate to it on  
7 page 323, line 11. This notes the need for various adaptive  
8 management plans and monitoring plans that will be  
9 established, and I quote, "...to evaluate salmonid and  
10 wakasagi populations..." after the approval and construction  
11 of the Prattville Intake modification.

12           Now our problem with that approach is after the  
13 fact. You know, we're looking for sound science that will  
14 tell us we don't have to worry about having to tear this out  
15 because we found later on, with monitoring, that things went  
16 wrong.

17           Plumas is concerned that the delay of the  
18 relicensing is going to cause a loss of positive aspects  
19 that we've negotiated in the Settlement Agreement, too. And  
20 for that reason it's our intention, working through the  
21 licensing group, to promote the opportunity to finalize the  
22 license without the thermal curtain and with some assurances  
23 that other alternatives will provide a resolution to the  
24 water-temperature issue.

25           We say it's effective, but we're seeing a lot of  
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1 data that says, no, it's not going to work. And we want to  
2 make sure that you understand that it's what we're seeing  
3 now in these studies that are coming out from PG&E and  
4 practical lake knowledge, which you'll be hearing from some  
5 people here, Almanor Fishing Group, that know the lake.

6 That has led to the resolution that's been passed  
7 by Plumas County Board of Supervisors that I'm providing you  
8 tonight. This states that we will not accept the thermal  
9 curtain, that we will enlist state and federal elected and  
10 appointed officials to assure that no more money is wasted  
11 on this study and on the assumed installation of any thermal  
12 curtain in either Lake Almanor or Butt Reservoir.

13 Now this may seem a little bit strong and maybe  
14 even a little arrogant, but that is our resolve, the Board  
15 of Supervisors. So we just wanted you to know that as we're  
16 going into that.

17 On the other hand, I think it's important for you  
18 to know that Plumas County will continue to work with the  
19 Collaborative Group. We think that's important. We've come  
20 a long way; we want to continue with it to find alternative  
21 solutions to any realistic water-temperature issue. We  
22 believe that there are alternatives that can help the fish  
23 in the lower Feather River and eliminate any damage to our  
24 lakes and upper streams.

25 One that Mr. Jereb forgot to mention was

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1 reoperation of the Caribou 1 and 2. We will also be  
2 studying that.

3 So I want to thank you for permitting us to  
4 provide our responses. I'd hope you'd be able to take them  
5 in order. Maybe that won't fit your schedule, but I do have  
6 a list of people that would like to go on in this panel  
7 sequence, if we could. Thank you.

8 MR. MUDRE: All right. Thank you, Bill.

9 I don't have any problem with the sequence that  
10 you'd like to see. My point was, though, that -- I mean if  
11 there is someone here that just wants to make some comments  
12 on the DEIS and is not interested in the thermal-curtain  
13 issue, we'll let them have their say, and they can go on  
14 their way. And if there isn't, then we'll just go right to  
15 the sequence that Bill's laying out.

16 (Comments made by the audience out of range of  
17 the microphone.)

18 MR. MUDRE: Okay. We do have the court reporter,  
19 and if you don't have this mic, she's not going to hear what  
20 you're saying. So let me let this gentleman here speak.  
21 And then I think we'll probably going to turn it over to  
22 Bill's order then.

23 MS. HAFEN: Excuse me. I did want to make a  
24 comment on the EIS.

25 MR. MUDRE: Okay.

26

1 THE REPORTER: Please come to a microphone.

2 MS. HAFEN: I didn't get on the sign-up sheet.

3 MR. MUDRE: Okay. What we'll do, we'll do this  
4 gentleman here, this lady here, and then -- there's another  
5 one?

6 You, too?

7 MR. KELLY: I wanted to ask a question about  
8 something you said in your --

9 MR. MUDRE: You have to come up then. It's a  
10 little harder when we just have the one mic here. And I  
11 appreciate your bearing with us.

12 MR. KELLY: My name is Phil Kelly. In your  
13 introductory remarks I believe you said something like there  
14 may be some "surprises along the way."

15 I wonder if any were forthcoming, that if you  
16 could review them for us as they presented themselves?

17 (Laughter.)

18 MR. MUDRE: Oh, well, I just did that so no one  
19 would leave.

20 (Laughter.)

21 MR. MUDRE: Okay. So we'll turn to this  
22 gentleman for the first comments.

23 MR. DECOTO: Good evening. Mr. Chairman, I thank  
24 you for the opportunity to speak here tonight.

25 THE REPORTER: Your name, please.

26

1                   MR. DECOTO: My name is Ron Decoto. That's  
2 spelled D-e-c-o-t-o.

3                   THE REPORTER: Thank you.

4                   MR. DECOTO: I'm here as a retired California  
5 Department of Fish and Game, District Fisheries Biologist  
6 for Plumas County with over 32 years of experience.  
7 Twenty-five years of this experience was spent working on  
8 Lake Almanor and Butt Valley Reservoirs. I was also a  
9 District Biologist since 1987 for all the waters in Plumas  
10 County.

11                   Tonight I just would like to address my comments  
12 in response to the Draft Environmental Impact Statement.  
13 I'm in agreement with many of your statements in this  
14 document, and I'll attempt to point out the areas that we  
15 agree with. It's kind of the opposite of the way most  
16 people probably will present this tonight, but due to  
17 limited time, and so forth, I'd like to stay on these  
18 points.

19                   Fish and Game studies that -- before I go into  
20 the actual comments on the report, I'd like to make this one  
21 statement.

22                   Fish and Game studies at Lake Almanor and Butt  
23 Valley Reservoir over the past 35 years have demonstrated  
24 the importance of the lake's thermal structure for  
25 salmonids' -- that's trout and salmon -- survival.

26

1                   Springtime thermal conditions allow the salmonids  
2                   to actively roam the reservoir with satisfactory water  
3                   conditions, dissolved oxygen, and food, so they're quite  
4                   happy during the springtime. This is the time that they put  
5                   on the most growth because of the water conditions and  
6                   everything is conducive for that.

7                   But then comes the warm water in June, July, and  
8                   August, the time when the proposed thermal curtain would be  
9                   taking approximately 50 percent of the cold water from the  
10                  deep layers called the hydrotherm layer. The salmonids then  
11                  begin to concentrate in distinct areas in the lake, which I  
12                  call "thermal refuges."

13                  These areas consist of inflows of cold-oxygenated  
14                  water in the springs and the mouths of the tributary  
15                  streams. The ill effects of this crowding of large numbers  
16                  of fish is increased stress into competition for these  
17                  areas, which will cause disease, competition for food, and  
18                  even starvation.

19                  As a biologist, I've tried to establish  
20                  fish-stocking rates for Lake Almanor based a lot upon the  
21                  size of these thermal refuges. Observed mortalities of  
22                  adult fish, such as occurred in Big Springs, is a signal  
23                  that they have exceeded the lake's summer-carrying capacity  
24                  in these areas.

25                  So I say this in that these areas are so critical  
26

1 in the summertime that a very slight change in condition,  
2 either in temperature, or oxygen, food supply, numbers of  
3 fish, or whatever, could have a significant impact upon the  
4 lake.

5 Now I'd to give you some of these statements in  
6 your document that we are in agreement with. On page 77 you  
7 say, and I quote: "The combination of alteration of [the]  
8 thermal and" dissolved oxygen "conditions [at] Lake Almanor  
9 would substantially shift the ability of the reservoir to  
10 support its existing coldwater and warmwater fisheries."

11 I agree with you a hundred percent.

12 On the same page, you say, "Using the coldwater  
13 supply in Lake Almanor and/or shifting operations  
14 of...Caribou developments could also affect the thermal  
15 regime and DO levels in Butt Valley reservoir and could" --  
16 let me stress -- "adversely affect the existing trophy  
17 rainbow trout and brown trout" fisheries "in this  
18 reservoir."

19 Again, I agree with you.

20 On page 78, you say, "Modifications and  
21 implementation of the Prattville intake and/or  
22 implementation of other water temperature control measures  
23 is expected to" -- let me stress -- "substantially alter the  
24 thermal and DO regimes in Lake Almanor..."

25 Studies have already confirmed that the releasing  
26

1 of stagnant cold water devoid of oxygen into Butt Valley  
2 Reservoir would have a significant impact on this trophy  
3 fishery.

4 Due to time -- I don't know how much time we  
5 have. Somebody said I have three minutes, so I have my talk  
6 pretty much around that area. If I've got more time, I  
7 can...

8 MR. MUDRE: Well, let's let everyone have their  
9 say first. And then maybe you could, you know, later on  
10 come back.

11 MR. DECOTO: Okay. I'd just like to summarize in  
12 case I don't have a chance to close.

13 I am not willing to take a chance based on  
14 modeling studies done in a swimming pool --

15 (Laughter.)

16 MR. DECOTO: -- that the delicate ecological  
17 balance in Lake Almanor and Butt Valley will not be, quote,  
18 adversely impacted with a thermal curtain. And I therefore  
19 ask you to abandon any further consideration of the thermal  
20 curtain. Thank you.

21 (Applause.)

22 MR. MUDRE: Thank you, Ron.

23 This gentleman here, and then the lady back here.  
24 And then Bill's group.

25 MR. GARRIDO: Good evening. My name is Paul  
26

1 Garrido, G-a-r-r-i-d-o.

2 I'm here representing the Almanor Fishing  
3 Association and its 300 members. I would like to share our  
4 concern regarding the proposed thermal curtain in Lake  
5 Almanor and Butt Valley Reservoir. This project is certain  
6 to have a negative environmental impact on the health of  
7 Lake Almanor and cause serious damage to Butt Valley  
8 Reservoir and their respective fisheries.

9 The proposal to remove 50 percent of the cold  
10 water from Lake Almanor to decrease the temperature a few  
11 degrees to enhance the fishery between Belden and Rock  
12 Creek-Cresta is highly unlikely when you consider the  
13 distance the water must travel through Butt Valley  
14 Reservoir, PG&E -- I'm sorry -- Butt Valley Reservoirs, PG&E  
15 forebays and powerhouses.

16 We believe this approach to correcting the  
17 current problem in the North Fork of the Feather River  
18 should be further explored by PG&E before PG&E spends  
19 millions of dollars on the installation of a thermal curtain  
20 on these pristine lakes.

21 This area of the North Fork of the Feather River  
22 would best be served by PG&E exploring other known methods  
23 of cooling the waters in the river. The Department of Fish  
24 and Game and PG&E could also enhance the river fisheries by  
25 providing new spawning beds, fish ladders, additional fish  
26

1 plants, and enforcement of current fishing regulations.

2 The Almanor Fishing Association has 15 years of  
3 experience on the effects of warm water on the 50,000 Eagle  
4 Lake trout raised annually in ten cages at the Hamilton  
5 Branch.

6 I need water.

7 MR. SPEAKER: Cold?

8 (Laughter.)

9 MR. GARRIDO: Yes.

10 These trout are raised annually in ten cages at  
11 the Hamilton Branch. In the spring, as the water warms to  
12 55 degrees, the fish begin to show signs of stress. At 58  
13 and 59 degrees, we start seeing warm-water viruses on their  
14 tails and bodies. We then start releasing the Eagle Lake  
15 trout so they may find cooler water. We believe this  
16 stressing of warm-water virus on the fishery could happen in  
17 the fairly-shallow west shore of Lake Almanor, whose average  
18 depth is less than 25 feet.

19 If 50 percent of the cold water is removed in  
20 early summer, the west shore of Lake Almanor would quickly  
21 warm, driving the fish into deeper, colder spring areas on  
22 each side of the lake, thus eliminating the enormous food  
23 chain of the west shore. Also greatly affected would be the  
24 many different insect hatches, including the very popular  
25 Hex Hatch.

26

1                   Much has been said and written about this  
2 project, but other than the model developed at the  
3 University of Iowa, using a small-scale replica of Lake  
4 Almanor, no other information about the effects of  
5 cold-water removal and its environmental effect on a shallow  
6 lake such as Almanor is known.

7                   At Butt Valley Reservoir not only is the fishery  
8 and the food chain threatened, but no one knows what the  
9 effects of the mass of cold water flowing through the  
10 reservoir will be on the insects hatches' fishery and the  
11 environment of that lake.

12                   And in closing, I say due to the increase in the  
13 local population, tourism, fishing, boating pressure on  
14 these lakes, we should be thinking about improving the  
15 environment of Lake Almanor instead of damaging it. Thank  
16 you.

17                   (Applause.)

18                   MR. MUDRE: Thank you very much.

19                   This lady right here.

20                   MS. HAFEN: I am Jeannine Hafen, H-a-f-e-n, with  
21 Roundhouse Council. That's a Native American Family  
22 Resource Center and Education Center in Greenville. And my  
23 comments on the Draft EIS have to do with the cultural  
24 properties, traditional cultural properties.

25                   There are a long list of PCPs that were evaluated  
26

1 as no longer important and would need only mitigation. And  
2 I don't know where that evaluation came from, but I know we  
3 have some objections to that. And that because some of them  
4 have been destroyed doesn't mean that they still don't have  
5 some importance to the local community. I know that they're  
6 underwater; they don't have access any more, but there are  
7 some that still -- the possibility that there's access.

8 And we'd really like to see some mitigation that  
9 requires PG&E to allow access to certain sites. It doesn't  
10 leave it -- they can consider or we'd recommend. So that's  
11 -- I'll keep those comments short, but that's basically it.

12 And also because so much time has been given to  
13 the Prattville Intake there are ten Maidu groups that have  
14 come together and done a resolution opposing it, so I'd like  
15 to submit that for the record. I have six copies.

16 MR. MUDRE: Great.

17 MS. HAFEN: Will that work? Thank you.

18 (Applause.)

19 MR. MUDRE: Thank you very much.

20 If you do have, and I know you do, concerns about  
21 specific sites, and things like that, it may be -- I can  
22 suggest you send in more detailed written comments. And  
23 that way we can know, in particular, which sites you do have  
24 concerns with, because there is a long list of them. And  
25 that would help us sort through and get to your concerns  
26

1 better.

2 Okay. Curtain time.

3 (Laughter and comments off the record regarding  
4 room temperature.)

5 MR. MUDRE: Bill, excuse me. Are the people that  
6 you are calling, the names that are on this list?

7 MR. DENNISON: Yes. The next one is Russ Lesko.

8 MR. LESKO: Good evening. My name is Russ Lesko,  
9 and I'm a recently-retired natural resource professional. I  
10 last served as the Chief of Natural Resources at Lassen  
11 Volcanic National Park. And over my career I have spent  
12 some time, I had the dubious honor of spending some time in  
13 meetings like you folks are. And I realize that you folks  
14 on the stage do not wear black hats, that the work you do is  
15 difficult, and I applaud your service. That doesn't mean I  
16 agree with everything that's in the EIS. And I also thank  
17 you for informing me -- I am a member of Bill's group, and I  
18 didn't know the name of that before.

19 (Laughter.)

20 MR. LESKO: My focus tonight will be on the  
21 visual impacts associated with the Draft EIS. And first I  
22 want to commend the Commission for its sensitivity with  
23 respect to visual aesthetics. And I quote from the Draft  
24 EIS:

25 "A coordinated approach to address visual effects  
26

1 of the existing facilities and proposed new facilities would  
2 help to protect aesthetic resources within the project area  
3 and help ensure that project facilities would be consistent  
4 with the applicable LRMP," which I assume is long-range  
5 management plan. I'm not sure.

6 But I simply want to bring to your attention to  
7 the proposed project. One is the painting of the metal  
8 siding and roof of the hoist house on the Prattville Intake,  
9 the structure a dark green color, and the planting of trees  
10 to reduce the visual domination of PG&E-operated maintenance  
11 buildings located at the Prattville Intake.

12 I respectfully suggest to the Commission that  
13 these projects, while beneficial, pale in scope to the  
14 visual blight of the Prattville Intake modification,  
15 otherwise know as the thermal curtain.

16 I call your attention first to this picture which  
17 is -- there it is right there -- of the Whiskeytown thermal  
18 curtain, which I will submit to you. These metal floats,  
19 similar in size to large propane tanks, would, in the case  
20 of Lake Almanor, extend some 2600 feet from the Prattville  
21 Intake.

22 The perimeter of the float system that would be  
23 required is depicted in this aerial photograph of the boat  
24 demonstration that took place a few weeks earlier, in which  
25 about 70 boats participated.

26

1                   I can't help but wonder how many people, whether  
2 they're on the lake or on the shore, would see past this  
3 revolting, floating boom structure and appreciate the  
4 dark-green intake (laughter) and the newly-planted  
5 seedlings.

6                   (Laughter.)

7                   MR. LESKO: And I would be remiss not to mention  
8 this eyesore will be placed in front of what is designated  
9 in the Project 2105 Settlement Agreement as "Marvin  
10 Alexander Beach."

11                   Marvin is a beloved and respected man who spent  
12 20 years of his life defending Lake Almanor water levels,  
13 water quality, and lake aesthetics. Marvin passed away last  
14 month, but not before admonishing PG&E, the State Water  
15 Resources Control Board, and other involved agencies that  
16 support for a thermal curtain would be political suicide.

17                   Lastly, I want to point out that the Lake Almanor  
18 thermal curtain is only one of three curtains proposed in a  
19 misguided attempt to lower the temperature in a short reach  
20 of the Upper North Fork of the Feather River one degree  
21 Celsius.

22                   This scheme would require two additional curtains  
23 of unknown size in Butt Lake Reservoir. The estimated cost  
24 of this system is now over \$53 million, as we've heard, and  
25 it has increased tenfold from a few years ago. Costs would

26

1 be borne by PG&E ratepayers.

2 A 1999 cost benefit analysis commissioned by PG&E  
3 stated, and I quote, "The Temperature Modification proposal  
4 does not come close to justifying its cost, as calculated by  
5 FERC methods. At the time of this writing, PG&E's estimated  
6 capital costs for the Prattville Intake modification were \$5  
7 million."

8 In summary, the Prattville Intake modification or  
9 thermal curtain is an egregious concept that would mar the  
10 existing beautiful view sheds of Lake Almanor and Butt  
11 Valley Reservoir, as well as cause substantial ecological  
12 damage to these treasured lakes.

13 I respectfully suggest the Commission, PG&E, and  
14 State Water Resources Control Board take a step back, give  
15 other alternatives for cooling downstream waters a fair  
16 assessment, and develop a comprehensive plan based on  
17 current science for management of PG&E facilities in the  
18 Lake Almanor Basin.

19 I thank the Commission for this opportunity to  
20 express my concerns.

21 (Applause.)

22 MR. MUDRE: Thank you very much.

23 MR. DE JONG: Good evening. I'm John De Jong,  
24 local Realtor up here. My name is spelled D-e J-o-n-g.

25 And I just want to address shortly the concerns I  
26

1 have for the economic impact that it's going to have on our  
2 people here.

3 In the past 15 years we have been changing from a  
4 timber industry to a recreational industry. The timber  
5 industry is down something probably 60 to 70 percent of  
6 where it was. And I think everybody here knows that.

7 The local residents today are in a service  
8 industry with seasonal recreational activities. Our  
9 seasonal activities go for about 12 weeks in the summertime.  
10 We depend on the fishermen and the quality of the water and  
11 the lake quality for two months on each side of that 12  
12 weeks. And if we take that away from them, the businesses  
13 can't survive on 12 weeks' worth of business. They just  
14 won't survive.

15 Some of them are struggling now. Our restaurants  
16 are usually in and out. Some of the other smaller  
17 businesses go in and out on a regular basis.

18 The people that came here and are buying property  
19 up here, I would say 90 percent of them come up here with  
20 the lake in mind, not necessarily the golf, the trees, the  
21 other parts of the environment. It's the lake that brings  
22 them here.

23 The fishing in Lake Almanor extends, like I said,  
24 two months on each side. The draw of Lake Almanor has  
25 always been a constant for as long as I've been coming up  
26

1 here. I started in '72, and I moved up here 15 years ago.  
2 And it's always been the one thing that is constant. The  
3 lumber is going down. A lot of other things are going down.  
4 Because of the way the school systems work today, the season  
5 is getting shorter every year, it seems like. And it's  
6 tough for the economic industry to keep going.

7 To endanger the economy of the whole Lake Almanor  
8 Basin for unproven benefits for an unknown few seems like a  
9 no-brainer to me. I mean there isn't a whole lot 40 miles  
10 downstream. I know that that's required by PG&E, by some  
11 licensing that they did downstream years back, but I think  
12 that has to be looked at also.

13 To hold up the license process for this very  
14 questionable project and to hold up some of the major  
15 improvements of both Lake Almanor recreational access areas  
16 which were being improved by PG&E that could be done right  
17 away seems incredible. I mean these guys worked for two  
18 years to try to get this thing put together. They've got  
19 some very good ideas. And PG&E has agreed with them to go  
20 ahead with these projects if they get licensed. If this  
21 license is held up, nothing gets done. Everything goes on  
22 hold, and everybody stands still until it happens. It'll  
23 improve the economy up here by the work that's done, because  
24 there's projects all the way around the lake that most  
25 people don't even know that are going on or that will go on  
26

1 once this thing goes through.

2 Right now there is little or no economy 40 miles  
3 down the river. So what are we improving? Thank you.

4 (Applause.)

5 MR. MUDRE: Thank you.

6 MR. ORANGE: Good evening. Thank you for the  
7 opportunity to speak with you this evening. My name is Bob  
8 Orange, and I am a Regional Director and state vice  
9 president for the California Fish and Game Wardens  
10 Association, whom I am representing here tonight.

11 This organization has proudly represented  
12 California Game Wardens for nearly 80 years. I have been a  
13 Warden for 26 years. My patrol district is right here in  
14 Plumas County. My father has been a retired Warden with 36  
15 years of state service.

16 A historical fact for your reference that you or  
17 may not know, Game Wardens are fully sworn state peace  
18 officers and have been protecting California's resources and  
19 enforcing state laws since 1870. That's 59 years before the  
20 California Highway Patrol was even created.

21 Game Wardens are also unique because we do not  
22 only enforce game law, we also review and assist in the  
23 preparation of complex environmental documents, which brings  
24 me to the purpose of my speaking to you here today.

25 There are currently two Wardens working in Plumas  
26

1 County. One on the east side of the County in the Portola  
2 area, and I have the west side of the County which  
3 encompasses all of the Project 2105 area.

4 As part of my concern for the resources of my  
5 patrol area, I have reviewed much of the documentation  
6 regarding the thermal curtain and all of the alternatives  
7 presented so far.

8 However, it is my opinion that there are several  
9 more practical and effective alternatives that have been  
10 omitted from this plan that deserve utmost serious  
11 consideration.

12 The purpose of the cold-water curtain is to lower  
13 the water temperature of the Feather downstream. The  
14 end-desired product is to improve the fisheries. Correct?

15 There are other ways to improve the fisheries in  
16 the same section without the thermal curtain. As a direct  
17 result of the FERC 2105 relicensing process, there has been  
18 very restrictive fishing rules placed on the waters of this  
19 system in order to improve the fisheries. These are laws  
20 that I must enforce every day, so I have firsthand knowledge  
21 of the impacts.

22 Let me explain some of the laws I'm talking  
23 about. Hang on. For 26 miles of the river from Belden to  
24 Pulga, the regulations are zero limit, artificial lures,  
25 barbless hooks, with a season from the last Saturday in  
26

1 April to only November 15th. In other words, you must catch  
2 and release all your fish back into state waters.

3 However, in the three power dam forebays in this  
4 geographical section of river: Cresta, Poe, Rock Creek, you  
5 can use bait, barbed hooks, keep a five-fish limit and fish  
6 year round.

7 In all the tributaries that empty into this  
8 section, zero fish-limit zone, you may keep five fish, and  
9 use bait.

10 At the next power dam above this section, Caribou  
11 Forebay, the trout limit is now two. And the season is  
12 again the last Saturday in April to November 15th.

13 Now let's move farther up to Butt Lake. The  
14 limit at Butt Lake is two fish. The season is year round,  
15 save for the area around Butt Lake Powerhouse where the  
16 season is the Saturday preceding Memorial Day to February  
17 28th. Now the tributaries of Butt Lake have a different  
18 season than the other reservoirs downstream. These tribs  
19 don't open until Memorial weekend.

20 Now finally we're here at Lake Almanor. The  
21 fishing season there is year round with a five-fish trout  
22 limit. Tributaries to Almanor do not open to fishing until  
23 Memorial weekend also.

24 Does this sound confusing to you? You bet. You  
25 bet it is. It's confusing for me as an enforcing officer

26

1 and for the sportsmen and fishermen that fish these waters.

2 These regulations are a result of part of the  
3 FERC 2105 relicensing.

4 Poaching problems abound. Can the laws be  
5 effectively enforced with the personnel we have? Frankly,  
6 the answer is no. There's one Warden statewide for every  
7 180,000 people in this state. That's pretty low.

8 Every spring and fall, trout spawn in the  
9 tributaries up and down the river and the lake system  
10 encompassed by Project 2105. They become blocked at  
11 barriers where they are highly susceptible of being snagged  
12 and netted out. One officer cannot patrol hundreds of miles  
13 of streams.

14 At the diversion dam fish ladder just a couple  
15 miles upstream from here, poachers have been caught at three  
16 o'clock in the morning snagging spawning fish. A very  
17 simple solution to improve the fisheries here is to increase  
18 enforcement of the laws already on the books. By doing this  
19 literally thousands of trout will be able to successfully  
20 spawn, creating larger numbers of fish.

21 You may think that just checking fishermen would  
22 be all we do. It is not. We also enforce fish passage  
23 laws. We need to check the streams to ensure fish passage  
24 by artificial barriers. On the right here we have on the  
25 PowerPoint a water-gauging station on Butt Creek just above  
26

1 Butt Lake. These are photos of fish trying to jump over it.  
2 My observations are that out of approximately 50 attempts,  
3 only one leap is successful. These fish run up to,  
4 probably, around seven pounds, eight pounds.

5 These large trout are literally beating  
6 themselves to death by trying to migrate upstream over this  
7 barrier. Modify this barrier to incorporate a fish ladder  
8 and you will add dozens of miles of prime spawning stream  
9 for the wild trout fishery of Butt Lake.

10 This, again, is a poaching problem because these  
11 fish are stopped at the barrier and are then easily caught  
12 by unethical anglers. Problems similar to this obstruction  
13 abound throughout the stream system in this area. Okay,  
14 next picture.

15 Okay. It's another shot of the same location.  
16 Let's go ahead and go to the next one.

17 Okay. Here is a photo of a trash rack down the  
18 canyon near Rogers Flat. What happens here, there's lots of  
19 these sorts of barriers. CalTrans and the railroad, they  
20 keep the trash from blocking-up the culverts, from going  
21 underneath the facilities. Wardens are responsible for  
22 making sure that these things are cleaned out in order to  
23 allow upstream fish migration from the spawning trout out of  
24 the main river system. We can't get around to inspect these  
25 all the time. Okay, go, Next picture. Okay.

26

1                   Here is a photo of a water crossing under a  
2 railroad down the canyon. Modifications need to be made to  
3 ensure spawning out of the main river system. This can be  
4 made at a number of locations. All would greatly improve  
5 the existing fisheries in the Feather River, which is the  
6 original intent of the cold-water proposal. Put a  
7 modification in there; put a fish ladder in there, we can  
8 open up more spawning stream.

9                   Another critical item that has been completely  
10 neglected throughout this whole process: One of security  
11 for the powerplants, dams, transmission lines, and energy  
12 infrastructure licensed by this project. Homeland Security  
13 issues cannot be forgotten here. Chances are that in this  
14 great state if there is a terrorist event against these  
15 facilities, it will be the Podunk Game Warden out there  
16 working who will discover it and be involved.

17                   Wherever you have a lake or powerhouse, you have  
18 a Game Warden. That's us watching it when we have the time.  
19 This is often in a surveillance mode from cover, watching  
20 for overlimits, snagging, litter, vandalism, et cetera.

21                   Wardens know what is going on from repeated  
22 visits on foot, not driving by in a car going 60 miles an  
23 hour. We don't whiz over the bridges in the canyon. We get  
24 out and check out what is underneath them. Transmission  
25 line corridors have quail or rabbit hunters. Who patrols  
26

1           them on a regular basis? Wardens do.

2                         In summary, we can do the following items, which  
3 would have an immediate impact of improving the fisheries  
4 within the FERC 2105 Project. In my opinion, they would  
5 improve the fisheries more than the installation of the  
6 thermal curtain.

7                         A precedent has been set by the State of  
8 California already. In the Bay-Delta there are large  
9 pumping plants at Tracy which pump water from the Central  
10 Valley Project Aqueduct. As a result of the huge pumps at  
11 Tracy, millions of small fish are killed each year.

12                         As mitigation by the State Department of Water  
13 Resources, seven Game Warden positions are funded by the  
14 California Department of Water Resources to prevent  
15 overfishing, snagging, pollution, gill netting, et cetera.  
16 By enforcing fish regulations, fishery resources are  
17 protected and enhanced.

18                         I propose that PG&E fund one Game Warden position  
19 full time in Plumas County for the life of this agreement.  
20 The primary focus of this position would be enforcement of  
21 the fishing regulations encompassed by the waters of FERC  
22 2105.

23                         This Warden would also enhance security against  
24 possible terrorist activity of any type. The position would  
25 serve as a public relations contact for the recreational  
26

1 users of this project. This would also include boat patrol  
2 of Butt and Almanor Lakes.

3 The purpose of the position would be to enforce,  
4 educate the public, and provide security. Right now there  
5 is very little enforcement of the fishing regulations in  
6 this area due to lack of personnel. The proposed officer  
7 would also inspect and ensure removal of screen barriers,  
8 which also prevent spawning fish migration along the North  
9 Fork of the Feather.

10 In addition, I propose a yearly overtime budget  
11 for the officers who work this. The costs of providing a  
12 Warden in this handout were presented to you. We don't make  
13 a whole lot of money, so you'd get a pretty good bang for  
14 your buck than the tens of millions of dollars going into  
15 the thermal curtain. And we can achieve the same purpose:  
16 That of a better fishery.

17 Finally, I propose a modification of the Butt  
18 Creek water-gauging station above Butt Lake to improve  
19 spawning migration. This may be easily accomplished by  
20 installing a fish ladder.

21 Again, I reiterate that I believe implementation  
22 of this alternative presented would result in more overall  
23 quality fisheries, experience, and enhancement than building  
24 a thermal curtain. Certainly a whole less controversy.

25 Thank you.

26

1 (Applause.)

2 MR. MUDRE: Thank you very much.

3 MR. SEANDEL: Good evening. I am going to be  
4 reading a statement by Robert Lambert who is ill and is not  
5 able to be here. My name is Aaron Seandel, S-e-a-n-d-e-l.

6 The comments: I would like to comment on two  
7 issues -- now reading for Robert Lambert -- raised in the  
8 DEIS. And they would be: Shoreline erosion and the  
9 proposed pulse flows below the project dams, those two  
10 issues.

11 On shoreline erosion: As noted by FERC on DEIS  
12 page 83, line 22: Significant shoreline erosion is  
13 occurring in several areas around the lake with seven  
14 percent of the shoreline experiencing, quote, "substantial  
15 erosion."

16 This is due to, one, the raising of the operating  
17 level of PG&E in 1972 and, two, wave action due to winds and  
18 the effects of boating. Erosion is caused by recreationists  
19 who drive off-road vehicles along the shoreline -- I quote  
20 from DEIS page 82, lines 8 and 9 -- of the lake.

21 The continuing erosion is resulting in impacts on  
22 shoreline aesthetics, aquatic resources, cultural resources,  
23 and recreation. Worst of all, continued unchecked erosion  
24 has resulted in degradation in water quality and could  
25 result in the "introduction of fecal coliform bacteria and  
26

1 human pathogens from leach fields into Lake Almanor..."

2 Again, from the DEIS page 353, lines 8 and 9.

3 These leach fields were constructed near the  
4 4500-foot mark prior to when the maximum operating level was  
5 raised in 1972.

6 PG&E has agreed to amend its Shoreline Management  
7 Plan to include a requirement to conduct annual surveys to  
8 evaluate shoreline erosion and to implement erosion control  
9 measures to limit erosion associated with cultural resource  
10 sites, threatened endangered species' sites, and a limited  
11 number of sites. Referring to page 82 lines 22 through 28.  
12 Beyond that, PG&E has not proposed a specific plan for  
13 shoreline erosion.

14 Page 64, lines 2 through 7 of the DEIS describes  
15 the Clifford Deed executed by PG&E in 1957 as granting,  
16 quote, "PG&E the right to flood or erode lands owned or  
17 acquired by the Cliffords by wave action, seepage, or other  
18 actions," unquote.

19 FERC appears to agree with PG&E that the Clifford  
20 Deed grants PG&E the right to erode even if such erosion  
21 results in the degradation of water quality. The Clifford  
22 Deed was signed at a time when raising the operating level  
23 was not contemplated.

24 In addition, environmental laws have  
25 significantly changed in the past 30 years. And PG&E should

26

1 not be able to negatively affect water quality by hiding  
2 behind the Clifford Deed.

3 Surely, PG&E should not have an unfettered right  
4 to erode Lake Almanor shoreline through the Clifford Deed.  
5 I respectfully ask FERC to take another look at shoreline  
6 erosion and require PG&E to take positive steps to reduce  
7 and limit shoreline erosion even on lands covered by the  
8 Clifford Deed.

9 Now comments on the pulse flows. In the April  
10 22nd, 2004 Settlement Agreement, the parties agreed that  
11 PG&E would release certain pulse flows below Canyon and  
12 Belden Dams during winter months of wet and normal water  
13 years.

14 The U.S. Fish and Wildlife Service, which is not  
15 a party to the Settlement Agreement, has proposed similar  
16 pulse flows that are higher in flow rate and would be  
17 required not only in wet and normal years, but dry water  
18 years as well.

19 In its analysis of pulse flows on pages 113  
20 through 116 FERC generally adopts the Settlement Agreement  
21 pulse flows in wet and normal water years, but does not  
22 specifically address what pulse flows are to occur, if any,  
23 during dry and critically dry water years.

24 Since FERC seems to adopt, referring to page 115,  
25 lines 35 and 36, the proposed pulse flows in the Settlement  
26

1 Agreement, the Environmental Impact Report should clarify  
2 that no pulse flows will be required in dry and critically  
3 dry water years.

4 Thank you very much.

5 (Applause.)

6 MR. DYOK: Good evening. My name is Wayne Dyok,  
7 D-y-o-k. I'm with MWH Americas. We're consultants to  
8 Plumas County. My original plan was talk about two items,  
9 the Shoreline Management Plan and shoreline erosion, to  
10 follow-up with some comments on Aaron's statements, but  
11 after hearing some of the earlier comments on the water  
12 temperatures I'd like to add a third item on water  
13 temperatures as well.

14 First of all, we'd like to commend the Commission  
15 on your preparation of the Draft EIS and the incorporation  
16 of most of the Settlement Agreement items as, you know, Bill  
17 had stated.

18 In particular, I just want to reiterate the lake  
19 level aspects of the Settlement Agreement. That's very  
20 important to this community. And thank you for agreeing  
21 with us on the proposed lake levels as part of the  
22 Settlement Agreement.

23 With respect to the Shoreline Management Plan,  
24 first of all, we appreciate the efforts that PG&E put forth  
25 in developing a Shoreline Management Plan. We further agree  
26

1 with the Commission staff's recommendation on page 20 of the  
2 Draft Environmental Impact Statement for PG&E to revise the  
3 Shoreline Management Plan and then implement it.

4 The County had a number of concerns on the draft  
5 plan as filed with the Commission's part of the license  
6 application. Some of the specific concerns include the land  
7 classifications.

8 We felt that the classifications in some respects  
9 were inconsistent with the County zoning. And there were  
10 some other elements of that plan, such as the enforcement  
11 and permitting aspects of it that we felt needed to be  
12 revised.

13 So what happened subsequent to the filing of that  
14 plan as part of the 2105 discussion? We met with PG&E on a  
15 number of occasions. And I'm pleased to say that for the  
16 most part our concerns have been addressed by PG&E in a  
17 revised plan. And we would expect that PG&E would be filing  
18 that revised plan.

19 We would first, though, like PG&E to present that  
20 plan to the County residents and public and get further  
21 input from the public on that plan and possibly revise that  
22 plan further before submitting it to the Commission. But we  
23 do think that it's a great improvement over the plan that  
24 was filed as part of the license application.

25 Secondly, with respect to shoreline erosion, I  
26

1 want to echo some of what Aaron talked about with respect to  
2 shoreline erosion. PG&E and the County have identified a  
3 number of areas where there is significant shoreline erosion  
4 around the lake.

5 The Clifford Deed rights shouldn't really matter  
6 when it comes to shoreline erosion if the erosion is  
7 affecting the environmental resources, such as water  
8 quality, natural resources, fisheries, cultural resources.

9 We're talking about property that's within the  
10 project boundary that's owned by PG&E. And it seems kind of  
11 odd to me that we should be requiring adjacent property  
12 owners to fix a problem that's on PG&E property that's  
13 affecting the resources over which the Commission has  
14 jurisdiction. So we feel it's the Commission's  
15 responsibility to require PG&E to remedy the shoreline  
16 erosion, not only on the areas that are not Clifford Deed  
17 areas, but also on Clifford Deed areas.

18 I appreciate very much what you said on page 20  
19 of the Executive Summary that PG&E is required to provide  
20 site-specific plans to control erosion for new recreation  
21 facilities that are going to be constructed. And I would  
22 suggest that the County looks forward to working with PG&E  
23 on the other areas of shoreline erosion to develop  
24 site-specific erosion plans for those areas as well.

25 Now I want to, based on what was said earlier  
26

1 today, talk a little bit the water-temperature issue. As  
2 the FERC staff presented earlier, you determined that the  
3 information was complete and that you were ready for  
4 conducting an environmental analysis of the project.

5 So that suggests that you have all the  
6 information to assess water temperatures, because that's  
7 part of the application information that was filed and  
8 recognizing that there's additional information that has  
9 been provided and probably will be forthcoming in the very  
10 near future.

11 As part of staff's recommended alternative, it  
12 would seem to me that there's an opportunity here for the  
13 Commission to really take a leadership role in the Final  
14 Environmental Impact Statement that's going to be produced  
15 in March of next year. And that is to recommend as part of  
16 your proposed alternative, that there be no curtain.

17 In that case I think you'll be setting the tone  
18 for the state process by conducting your independent  
19 analysis that will conclude on the basis of the information  
20 that you're hearing tonight from the many people that are  
21 presenting, as well as the additional information that PG&E  
22 is going to be providing you in, hopefully, the very near  
23 future.

24 I did want to conclude by responding to one of  
25 Tom's comments that he made earlier that even though there's  
26

1 going to be a lot more variability in the water temperatures  
2 in Lake Almanor taking more of that cold water away that was  
3 in the natural range of variability and, therefore, the  
4 effects would be insignificant, the analogy that I would  
5 like to use, Tom, is that of a boxer.

6 And a boxer that fights one or two times can  
7 probably survive and live to a ripe old age. A boxer that  
8 fights every day or every month or for several months,  
9 oftentimes sustains permanent damage. And I would think that  
10 the analogy would be very applicable for these same fish in  
11 this lake.

12 Thank you very much.

13 (Applause.)

14 MR. KNUTSEN: My name is Dale Knutsen. I'm a  
15 resident of the west shore area of Lake Almanor. And after  
16 reviewing the Draft Environmental Impact Statement, I'd like  
17 to offer a comment on a water-temperature item found in  
18 Section 3.3.2.2. And quoting from page 108, the fourth  
19 paragraph, "With a modified Prattville Intake configuration,  
20 the water temperature in the Belden reach would be decreased  
21 up to four degrees Celsius for the months of June through  
22 August and remain unchanged in September" -- and I would  
23 like to emphasize the last phrase -- "keeping the water  
24 temperature below 20 degrees Celsius for all months," end  
25 quote. I believe this statement may be in error, probably

26

1 based on very preliminary analyses from PG&E which have  
2 subsequently been greatly expanded.

3 My understanding of the more recent studies is  
4 that, even with a modified Prattville Intake, the Belden  
5 reach water temperatures during July and August can be  
6 expected to be in excess of 20 degrees during some climatic  
7 and hydrographic conditions, specifically during dry and  
8 critically dry water years, which statistically we seem to  
9 have a lot of.

10 I would, therefore, ask FERC to request from PG&E  
11 the full spectrum of revised studies so that the Final  
12 Environmental Impact Statement can reflect the updated  
13 information.

14 Thank you.

15 (Applause.)

16 MS. SUTTON: Good evening. My name is Sue  
17 Sutton. I'm with Family Water Alliance. I also happen to  
18 be a part-time resident here in the Valley as well as here  
19 in the Chester area.

20 I have a couple comments. I think the one thing  
21 that concerns me most is the fact that, while PG&E has not  
22 put on the table the fact that they are considering  
23 seriously a temperature curtain, it has been mentioned 12  
24 times. And in my experience in the past when items of this  
25 nature are brought forth and mentioned so many times, so

26

1       numerously, they are, indeed, on the table.

2                 Secondly, I believe that the documentation says  
3 we need to look at reasonable -- PG&E has to have a  
4 reasonableness about determining the attempt of creating the  
5 temperature measures. I believe that what has been  
6 presented tonight does not show that sense of  
7 reasonableness. And I would ask the Commission to consider  
8 and define what "reasonable" really, indeed, means.

9                 There's a whole lot of other alternatives that I  
10 did not have -- believe have been considered. Some of them  
11 were mentioned tonight by the Warden. I truly believe that  
12 cumulative impacts of a variety of these small projects  
13 could accomplish the same goal as a temperature curtain.  
14 And therefore I request that the temperature curtain be  
15 totally taken off the table.

16                 Finally, I would like to see an independent  
17 science review of this entire project. PG&E has a number of  
18 scientific studies going on, but I think it's time for the  
19 people to have a scientific review that represents the total  
20 nonpartial point of view.

21                 And I suggest that the National Academy of  
22 Sciences be contacted and brought onboard to review this  
23 entire issue, the issue both of the positive and negative  
24 benefits of a thermal curtain or the cumulative effect of  
25 all the alternatives.

26

1                   Finally, you had mentioned that if the license is  
2 approved that we can go in later and amend that license. It  
3 is my understanding, through working with politics and many  
4 other organizations and groups, that once something is  
5 signed, once something is a done deal, it is not easy to go  
6 in and amend and is a total uphill battle.

7                   So I would like, rather than to work on amending  
8 things after things are completed and signed on to, I would  
9 like to have the entire community agree to what we can go  
10 forward on, and move forward on those types of things.

11                   Thank you.

12                   VOICE: Yes.

13                   (Applause.)

14                   MR. WILLHOIT: My name is Michael Willhoit. I'm  
15 a member of the 2105 Committee. I've lived here for ten  
16 years, visited here for 30 years. And I'm going to divert  
17 just a little bit from the thermal curtain, but I'll come  
18 back to it.

19                   The Collaborative accomplished a lot of good  
20 things. And most of these things were recommended in your  
21 Draft EIS, and we thank you for that.

22                   And one of the things I want to talk about  
23 tonight is the Recreation Resource Management Plan. Since  
24 1982, when Article 42 was added to the existing license, a  
25 recreation management plan has been required. It hasn't  
26

1 happened.

2 For the past nine years your agency has waived  
3 the implementation of such a plan pending relicensing.  
4 Finally we've arrived at a good plan, but since the signing  
5 of the Settlement Agreement in April of this year, a problem  
6 has arisen. And that's the delays in the issuance of the  
7 license that we see now.

8 And you mentioned in your introduction some of  
9 the things that we're looking at, the CEQA review, as well  
10 as the 401 certificate. It's clear to us that the license  
11 won't happen for one, two, or three more years, the way  
12 things stand right now. But while we were negotiating in  
13 the Collaborative, we were given assurances by PG&E that we  
14 would see a timely license in November of this year. We  
15 could expect it. FERC would be in a position to issue this  
16 license.

17 So what I'm asking now on behalf of the Committee  
18 is that FERC takes a second look at the Recreation Resource  
19 Plan and amends the timeframes for the items that were  
20 agreed upon. And I'm specifically thinking of three  
21 categories.

22 First, maintenance. It's mainly overdue  
23 maintenance.

24 Second, the improvements: Handicapped access.

25 And,

26

1 Third, the new facilities.

2 Now each one of these has with it a timespan.  
3 And, simply, we're asking that you help us achieve time  
4 parity. And we're not asking for anything to be speeded up.  
5 But if a license were issued in November of 2004, something  
6 that was slated in the plan to be implemented in one to  
7 three years would be implemented no later than 2007. So  
8 we're asking you to change the date so that all the items  
9 are done in that manner.

10 Now back to the maintenance. I have over here an  
11 example of what we think is overdue maintenance. And there  
12 are many items that are listed in terms of maintenance:  
13 Water faucets, Klamath stoves, vault toilets, undeclared  
14 trails and such. But this particular thing right here  
15 happens to be -- and I have to explain this to you. This is  
16 the Almanor Scenic Overlook, and there is no more scenic in  
17 this. This used to look out upon Mount Lassen. It had a  
18 beautiful view of the lake.

19 Now this vegetation didn't grow there in the last  
20 two years. This certainly happened over a period of time.  
21 So items like that we would like you to accelerate and  
22 require that they be done, if not now, because they should  
23 have been done earlier, that they be done very promptly.

24 It's not a money issue, for sure. We know that  
25 this project is worth \$2 billion over the life of the  
26

1 project in 2004 dollars. And PG&E can come up with the  
2 money to do these minor maintenance items. They did come up  
3 with \$87 million this year for bonuses for 17 of their  
4 executives, so we'd like to see those speeded up.

5 (Laughter.)

6 MR. WILLHOIT: And, lastly, the Marvin Alexander  
7 Beach.

8 And, Scott, would you move to the next slide,  
9 please.

10 This is standing right on what is going to be  
11 Marvin Alexander Beach looking to the north. And that's the  
12 tower that we saw earlier.

13 Now the problem is if this environmental  
14 nightmare of a thermal curtain would, by some chance,  
15 happen, the anchors would be right in the middle of Marvin  
16 Alexander Beach.

17 Scott, the next slide.

18 I'm standing yesterday at 360 feet. That's where  
19 the southern anchor would be, and that's Marvin Alexander  
20 Beach, and that's where the arrow points. So what we're  
21 asking is that if, if, in the chance that this thing  
22 happens, we see an alternative Marvin Alexander Beach.

23 Marvin was a very instrumental part in this  
24 process and recreation development was his cause. And  
25 unfortunately he can't be here to see the dedication of this  
26

1 beach. And we want to see this beach clean without a  
2 curtain.

3 Thank you.

4 (Applause.)

5 MR. SEANDEL: Good evening. I am now speaking  
6 for myself. My name is Aaron Seandel, S-e-a-n-d-e-l. My  
7 wife and I have lived in the Lake Almanor Basin on a  
8 full-time basis since 1994 and we've been coming here since  
9 1972.

10 We are very active in the community. I am a  
11 member of the Plumas County 2105 Committee and have been  
12 working, along with the other members of the Collaborative,  
13 in all phases of the development of the Settlement  
14 Agreement.

15 I'm also Chair of the Plumas County Committee on  
16 Water Quality. And I will speak to that in my remarks, the  
17 issues I'm going to comment on.

18 Going through the presentation, I'm just going to  
19 hit the highlights because so many of these things have been  
20 said. But I would agree, for example, with the comments  
21 that were made regarding page 20 in the Executive Summary  
22 about making evaluation prior to and after any modifications  
23 of the Prattville Intake. To me that assumes that  
24 something's going to happen regardless, and then you're  
25 going to evaluate. And that is of a real concern to a lot  
26

1 of us, that language.

2 On page 41 I have a disagreement. And I know  
3 that this isn't something that FERC is directly involved  
4 with, but I just want to make it public. I have a  
5 disagreement with a designation of the Feather River as a  
6 cold, fresh water habitat based upon the information that we  
7 have. And I want that as a part of the record, please.

8 On page 47 we have data that we've been  
9 participating in the Collaborative that maintaining a mean  
10 water temperature of 20 degrees through the implementation  
11 of the Prattville Intake modifications cannot be met during  
12 dry and critically dry years. It's been -- we've discussed  
13 that thoroughly. And that "critically dry and dry years"  
14 has occurred at least or close to 50 percent of the past 33  
15 years.

16 On page 67, line 11, I have agreement that the  
17 water quality monitoring plan should be adaptive on  
18 project-related water quality conditions. However, one of  
19 the things that I'm concerned about is that one of the  
20 proposed modifications of the intake is considering the  
21 removal of 42,000 cubic yards of silt. And there isn't any  
22 provision at all in any documentation to this point of how  
23 to deal with that as it relates to water quality. And that  
24 is a critical issue.

25 Page 68, I disagree with line 28. And this is a  
26

1 part of the monitoring program, the sampling program. Three  
2 sites, in my judgment and in the Plumas County Committee on  
3 Water Quality's judgment, are insufficient really to  
4 satisfactorily monitor a lake of this size.

5 Currently the Plumas County Water Quality Program  
6 has identified 17 different sites in the lake. And I just  
7 want to refresh your memory about the -- when you saw the  
8 map of the lake, how the different elevations and the  
9 different configuration of the lake really, really in our  
10 judgment almost requires that you look at more than just  
11 three sites, because three is just too global for a lake  
12 that is as diverse as we are right now, as the lake is now.

13 I disagree, page 69, we have disagreement with  
14 the five-year monitoring program proposed by the licensee.  
15 With the rapid growth in the number of homes, the increase  
16 in the number of developments around the lake, the  
17 additional recreation sites around the lake that are  
18 included in the Settlement Agreement, and the increased  
19 number of tourists that visit the lake every year and  
20 increasing every year, conducting a sampling program every  
21 five years could easily miss trends and places the sampling  
22 program as one that reacts to problems rather than one that  
23 is proactive to trends. Five years is too long between  
24 sampling events in project-related waters.

25 We recommend that three years be the maximum  
26

1 between the required events. And using the sampling events  
2 that are noted in Table 3, I believe it's on page 69, I'm  
3 not sure of that, but I think that's correct.

4 We have agreement with the Bacteriological  
5 Sampling Program, pages 71 and 72. Agreement with the  
6 analysis that the modification of the Prattville Intake  
7 could substantially alter the thermal regimes of Lake  
8 Almanor and Butt Valley Reservoir. There's certainly no  
9 disagreement with that.

10 We have disagreement with the language in lines 3  
11 through 10, "would monitor the impacts and corrective  
12 actions, if necessary, could be made within a few years of  
13 implementing the new license." What this suggests to me is  
14 that a problem is created, then you do some modification  
15 after the license is implemented. And that is not -- I  
16 don't think that's a practical way of approaching this.

17 On page 75 we have disagreement. PG&E has only  
18 conducted feasibility studies for the curtain and not the  
19 reoperation of Canyon Dam Intakes or modification of Caribou  
20 2. You've heard these before. We really would like to see  
21 and hopefully will see other alternatives being proposed.  
22 And not just single alternatives.

23 We are encouraging PG&E and others to look at  
24 combinations of alternatives that might work but have not  
25 been put before the deliberating body. And that, we think,  
26

1 is very, very important.

2 We have -- let's see. We have disagreement with  
3 the Department of Interior at lines 26 to 34. You have  
4 referred to that earlier, I believe.

5 We have disagreement, line 5 on page 77. It  
6 talks about, again, the 20-degree mean temperature. We've  
7 talked about that.

8 We have agreement on line 13, page 83, PG&E being  
9 responsible for controlling any shoreline erosion caused by  
10 project operations that adversely affect water quality,  
11 aquatic resources, cultural resources, and aesthetics. Just  
12 reinforce that point.

13 On page 341, line 31, we have a concern; I have a  
14 concern. There is a need to identify additional sites for  
15 bacteriological monitoring on a regular basis in nonswimming  
16 areas, lakeshore sites that are very close to the east  
17 shore. And we talked about a little bit about that when we  
18 talked about the raising of the lake back in 1972.

19 On line 11, we think that Plumas County needs to  
20 be specifically named along with -- excuse me -- the other  
21 agencies in all matters related to management. In this  
22 particular line it is not, as a part of -- that was page  
23 343. 343.

24 Disagreement. This has to do with the comment on  
25 line 5 about not monitoring through the life of the license.

26

1 And we feel very strongly that with the continuing growth in  
2 the area and the increase in recreational facilities that  
3 will be available throughout the new license, along with a  
4 number of visitors, tourists increasing every year, we  
5 recommend that license continue through the term of the  
6 license -- excuse me -- sampling, water quality sampling  
7 continue through the life of the license.

8 We agree with the water levels for Lake Almanor  
9 and Butt Valley Reservoir.

10 And, finally, again, we are concerned about the  
11 potential septic leakage that can occur through the  
12 shoreline erosion issues.

13 We thank you very much. We appreciate the time  
14 that you are spending with us. And that concludes my  
15 remarks.

16 (Applause.)

17 MR. MUDRE: Thank you very much.

18 I have a question. Is Melany Johnson still here?

19 MS. JOHNSON: Yes.

20 MR. MUDRE: Because you had indicated that you  
21 wanted to speak, and we hadn't heard from you. So I wanted  
22 to make sure that --

23 MR. DeSPAIN: And also Mike DeSpain.

24 MR. MUDRE: Okay. Let's get -- I thought he was  
25 on the list. We'll get you right next.

26

1 MS. JOHNSON: Okay.

2 MR. MUDRE: I just wanted to make sure that  
3 everyone that wanted, that signed up, got a chance to speak.

4 MS. JOHNSON: Thank you. I'm Melany Johnson,  
5 M-e-l-a-n-y. I'm Mountain Maidu. I'm the Cultural  
6 Technician for Susanville Indian Rancheria Environmental  
7 Protection Department. And I am here on behalf of the  
8 Susanville Indian Rancheria Tribal Business Council and the  
9 Susanville Indian Rancheria Tribal Government Liaison  
10 Committee.

11 Our Tribal Chairman, Stacy Dixon, planned on  
12 being here tonight, but was unable to attend due to  
13 unforeseen circumstances.

14 The Susanville Indian Rancheria, SIR, is a  
15 federally-recognized Indian Tribe with ancestral ties to the  
16 Mountain Maidu, Wadatkuta, and Kamotkuta Bands of the  
17 Northern Paiute, Hamawi, and Aporige Bands of the Pit River  
18 and the Northern Washoe.

19 In 1913 the Hydraulic Fill Dam was constructed on  
20 the North Fork of the Feather River south of Big Meadows.  
21 Once the largest meadow in California, inundating thousands  
22 of years of traditional, cultural history practiced by the  
23 Mountain Maidu Indians. This resulted in a water-storage  
24 reservoir and recreational facility now referred to as Lake  
25 Almanor.

26

1                   For the Mountain Maidu people this event was  
2 catastrophic. Now as if it were not enough to destroy a  
3 significant portion of the history, culture, and homeland of  
4 a people indigenous to the area, the powers that be  
5 literally proposed to dredge up the ancestors and history of  
6 these people and ship them down a pipe to Oroville through  
7 the creation of a thermal curtain at the Prattville Intake.

8                   When will the insensitivity and the lack of  
9 respect cease?

10                   Professor Emeritus Makoto Kowta of the Chico  
11 State Department of Anthropology, in his Report of  
12 Archeological Field Reconnaissance of the Lake Almanor  
13 shoreline and the late U.C. Berkeley Field Anthropologist  
14 Francis Riddell in his manuscript, "Ethnographic Villages at  
15 Lake Almanor," have both documented village sites within the  
16 area of potential effect for the proposed thermal curtain  
17 project.

18                   The influential American Anthropologist Alfred L.  
19 Kroeber in his handbook, The Indians of California, stated  
20 that Maidu cemeteries lay at the edge of villages in order  
21 to guard against grave robbery. Thus, this project has  
22 significant potential to result in the excavation and  
23 removal of Native American human remains and objects.

24                   Because the Federal Energy Regulatory Commission,  
25 FERC, a federal agency, is the lead agency with regard to

26

1 environmental oversight; and because Lake Almanor is  
2 considered a Waters of the United States, protected by the  
3 Clean Water Act and under the jurisdiction of the U.S. Army  
4 Corps of Engineers, this project is subject to the Native  
5 American Graves Protection and Repatriation Act, NAGPRA.

6 Section (3)(c) 225 U.S.C. 3002(c)(2) states, "The  
7 intentional removal from or excavation of Native American  
8 cultural items from federal or Tribal lands for purposes of  
9 discovery, study, or removal of such items is permitted only  
10 if such items are excavated and removed after consultation  
11 with the appropriate Indian Tribes."

12 Furthermore, California Public Resource Code  
13 Section 5097.9 states: "No public agency and no private  
14 party using or occupying public property or operating on  
15 public property under a public license, permit, grant,  
16 lease, or contract made to honor after July 1st, 1977 shall  
17 in any manner whatsoever cause severe or irreparable damage  
18 to any Native American sanctified cemetery, place of  
19 worship, religious or ceremonial site, or sacred shrine  
20 located on public property except on a clear and convincing  
21 showing that the public interest and necessity so require  
22 it."

23 In conclusion, both federal and state law  
24 prohibit the proposed project unless consultation takes  
25 place with the Indian Tribes and the project is clearly and  
26

1       convincingly necessary and in the best interests of the  
2       public.

3                   I thank you for the opportunity to comment  
4       tonight. And the Tribal Business Council looks forward to  
5       developing government-to-government consultation in  
6       accordance with FERC's Tribal Policy Statement, Docket  
7       Number PL034000, in order to resolve conflicts resulting  
8       from FERC's Relicensing Project 2105 in 1962.

9                   Thank you.

10                   (Applause.)

11                   MS. HOPTON FOOTE: Good evening. Thank you for  
12       your patience. You said earlier that you were here to  
13       balance the pros and cons. And I was grateful to hear that.  
14       My name is Nancy Hopton, H-o-p-t-o-n, Foote, F-o-o-t-e. And  
15       I'm sparing you the words of 3,075 people who have signed  
16       this petition as a con.

17                   Thank you.

18                   (Applause.)

19                   MR. DeSPAIN: My name is Michael DeSpain, Tribal  
20       Environmental Protection Agency Director, Greenville  
21       Rancheria.

22                   I have letters here -- excuse me -- that have  
23       been received in Washington, D.C. And I also spoke with  
24       Washington, D.C., Mr. Rawley Wilson, the Tribal Liaison,  
25       this afternoon before the meeting.

26

1                   Here it is: Copies of cultural maps that you are  
2 to -- there are the two -- go back and discuss when you get  
3 back to Washington, D.C. in reference to this. Excuse me.

4                   I'll briefly read some of the stuff that is in  
5 this from the Tribe. The Greenville Rancheria of Maidu  
6 Indians has concerns regarding the FERC 2105 Lake Almanor  
7 and Butt Valley Reservoir. During the first stages of  
8 consultations, dated 23 July and 4 September, 2002, letters  
9 were drafted and sent to different agencies. From that  
10 point FERC did not have any further communications with the  
11 Greenville Rancheria after the initial scoping process and  
12 consultations.

13                   Issues brought to FERC's attentions were not  
14 addressed. The Tribe's concerns are now two parts: The  
15 environmental impact on Lake Almanor and Butt Valley  
16 Reservoir is a major concern. These two bodies of water are  
17 very important to the local environment. They have great  
18 numbers of fish, mammals, water fowl, invertebrates, birds  
19 of prey, as well as Native American gathering sites.

20                   I cannot specifically, and I apologize to the  
21 public, share any of those gathering sites or cultural  
22 sites. On the maps that FERC now has in possession with  
23 coordination through Plumas County, shows birds of prey  
24 nesting sites around the lake and cultural sites for the  
25 entire Big Meadows or Lake Almanor Basin and Butt Valley  
26

1 Reservoir system itself.

2 To continue: In FERC's Draft EIS they discuss  
3 the water temperature from Mountain Meadows Reservoir as to  
4 locals Walker Lake to Yellow Creek. Items that are not  
5 addressed: The damage that will be done to the gathering  
6 sites within the project boundaries, and the dropping of  
7 water temperature and its effects to the ecological system  
8 along the Feather River.

9 If thermal curtains are in place within the  
10 boundaries of Lake Almanor, the cold-water fishery will  
11 decrease, and so will other animals, birds, and the entire  
12 ecological system. The Greenville Rancheria has concerns  
13 about thermal curtains, the size of the curtains, the  
14 aesthetics, the lack of data that is present in the Draft  
15 EIS.

16 I also sat in on the 2105 Committee meeting this  
17 past Thursday. Issues I brought up, ideas, to not even  
18 think about these curtains -- excuse me -- and hopefully  
19 they will be developed further down the line.

20 FERC speaks about the recreation agencies that  
21 were involved in the initial consultation meetings, but not  
22 a single phrase in the planning process for Indian Tribes in  
23 respect to Native grounds. As a federally-recognized Tribe  
24 between Susanville and Greenville Rancheria, that is a  
25 federal government to a federal government and sovereign  
26

1 nations. So any consultations according to Section 106 has  
2 to be dealt with. No consultations have been developed  
3 between these two Tribes and FERC since 2002. And that is  
4 in your Draft EIS.

5 The Greenville Rancheria has concerns in --  
6 excuse me -- in reference to the cultural aspects of Lake  
7 Almanor Basin and Butt Valley Reservoir. The Draft EIS  
8 reports numerous cultural and historical sites. The  
9 proposed curtains would destroy cultural sites within Lake  
10 Almanor and Butt Valley Reservoir. At the present time  
11 Greenville Rancheria members have shown concern about  
12 cultural sites within project boundaries.

13 The Greenville Rancheria has contacted the Native  
14 American Heritage Commission and the United States Forest  
15 Service requesting additional data in reference FERC 2105.  
16 The Greenville Rancheria should have been consulted during  
17 the entire project, not just the scoping.

18 And understanding the FERC 2100 also ties in with  
19 the 2105 from Lake Oroville and up the North Fork of the  
20 Feather River, the thought of dropping the water temperature  
21 along the North Fork of the Feather River should have  
22 received deliberation during the construction of Oroville  
23 Dam by the Department of Water Resources and the State of  
24 California.

25 The last paragraph, as I apologized, is from the  
26

1 Greenville Rancheria. It can be publicized at their  
2 convenience.

3 And on a personal note, the studies that PG&E  
4 have done and reported to the 2105 Commission is like every  
5 other study: They come up for three or four days. They are  
6 not here on a weekly or daily basis.

7 I'm also a professional California hunting and  
8 fishing guide. I spend a lot of time on these waters. The  
9 studies are incorrect, and they're not -- there's not enough  
10 data for them.

11 Thank you.

12 (Applause.)

13 MR. MUDRE: Thank you.

14 Is there anyone who has signed up to speak who  
15 hasn't yet spoken?

16 Okay. She raised her hand first, and then we'll  
17 get to you.

18 VOICE: We have another one here.

19 MR. MUDRE: Okay.

20 VOICE: Hey, John, I don't want anybody to go  
21 home yet. We have to put away chairs when we get all  
22 through.

23 (Laughter.)

24 MS. SLUSHER: Good evening, everyone. My name is  
25 Constance Slusher. And that's spelled S-, as in Sam,

26

1 l-u-s-h-e-r. I am not a committee member. I do not belong  
2 to any organization. I am a 25-year resident of Lake  
3 Almanor. I am a business owner with two businesses. I  
4 employ people in Chester. I provide health insurance to  
5 those people and their families.

6 What you are proposing to do to our community is  
7 to kill it. You're proposing to put a thermal curtain that  
8 would destroy our tourism. The federal government has  
9 already destroyed our logging industry by the Northern  
10 Spotted Owl Report that now we know was bogus.

11 The California governor at one point in time took  
12 our money from our lottery and put it -- that was supposed  
13 to be for our schools -- and put it in the General Fund.  
14 Our schools have suffered because of logging, not having the  
15 income from the logging. Our community has just about died  
16 because all the logging companies have closed or have gotten  
17 smaller.

18 Our community is dying. And if we don't do  
19 something to keep Lake Almanor as we know it, we will cease  
20 to exist. I moved up here 25 years ago as a young woman to  
21 raise a family, because this is where I wanted to be: Away  
22 from the city.

23 This is a wonderful community. And what we were  
24 hearing tonight, all's we heard was what the thermal curtain  
25 was going to propose to do to Lake Almanor. If there was  
26

1 any serious consideration by PG&E to do anything else other  
2 than the thermal curtain, why did we not hear it tonight?  
3 This was their opportunity to bring forth those positions.

4 I'm asking, I'm begging for the Commission to  
5 please not allow the thermal curtains and to allow the  
6 Chester Lake Almanor Basin and Butt Lake to survive the way  
7 it is.

8 Thank you.

9 (Applause.)

10 MR. FORDING: My name is Richard Fording,  
11 F-o-r-d-i-n-g. And I'm speaking as a property owner with  
12 legal rights under the Red River Deed. And I'm doing this  
13 to assure these rights aren't overlooked by FERC in their  
14 process. The deed was between the Great Western Power  
15 Company and the Red River Lumber Company in 1927, before  
16 PG&E acquired the Great Western Power Company and Lake  
17 Almanor.

18 The deed extended to Red River's successors,  
19 lessees, and assigns. And there are now thousands of  
20 property owners who have rights confirmed by that deed.

21 Ingress and egress for boating, hunting, fishing,  
22 and other recreation on the waters of both said reservoirs,  
23 Lake Almanor and Butt Valley Reservoir, on page 248, lines 9  
24 through 13, the document states, "Under the terms and  
25 conditions of the project license, PG&E must retain all  
26

1 rights to lands and waters within the project boundary  
2 needed for the project purposes. PG&E may permit others to  
3 use the project's land and waters, but before permitting  
4 such use PG&E must ensure that it does not endanger the  
5 health, create a nuisance, or otherwise be incompatible with  
6 the overall project recreational use."

7 Simply put, PG&E does not have all the rights to  
8 the lands and water. These were encumbered before the  
9 current license and before PG&E owned the lakes. The  
10 current property owners' successors have gone to great  
11 lengths to help PG&E meet the terms of the license and  
12 ensuring that it does not endanger health, create a  
13 nuisance, or otherwise be incompatible with the overall  
14 project recreational use.

15 The owners have also spent nearly \$30,000 in  
16 legal fees to preserve their rights under the Red River Deed  
17 and are prepared to do again if needed. However, they  
18 prefer to work cooperatively with PG&E, as they have, to  
19 help them meet the terms of the license while maintaining  
20 their property rights under the Red River Deed.

21 We respectfully request that the deed be  
22 memorialized in the license in order that future  
23 administrators will understand that neither PG&E nor the  
24 U.S. Government can unilaterally cancel the benefits of the  
25 deeds.

26

1                   And, lastly, I'd like to thank you for your  
2 flexibility this evening you've extended to us in allowing  
3 us to fully express our concerns.

4                   Thank you.

5                   (Applause.)

6                   MR. WING: My name is Ed Wing. I started  
7 vacationing up here, my wife and I did in the early '60s.  
8 We ended up buying a piece of property and have lived here  
9 full time since 1990.

10                  Since FERC is working closely with the State  
11 Water Resources Control Board, and all's I'm going to do  
12 right now is read a letter that I've just written to the  
13 State Water Board in response to a reply I got from letters  
14 that were protesting the installation of the three thermal  
15 curtains. And I'll leave you a copy of their letter also so  
16 you can see some of this, what I'm going to write will make  
17 more sense after you've read their response.

18                  Their response was from Victoria A. Whitney, the  
19 Division Chief of the State Water Resources Control Board.  
20 And my letter is as follows:

21                  "Dear Ms. Whitney,

22                  "Thank you for your comprehensive letter. We  
23 wish to respond on several points:

24                  "Your comment that the environmental health of  
25 Lake Almanor will be considered in all the endless studies,

26

1       however nothing is said about Butt Valley Reservoir. It has  
2       not even been disputed by anyone that the two thermal  
3       curtains at Butt Valley Lake will destroy the trophy trout  
4       fisheries that now exist there.

5                "You state that the earlier agreement between  
6       PG&E and" Department of Fish and Game "did recommend the  
7       Prattville Thermal Curtain. This is" a hundred percent  
8       "wrong. The FERC Draft EIS of November 1996 specifically  
9       stated that they were opposed to the installation of the  
10      thermal curtain and that the water temperature was not the  
11      limiting factor in the trout population in the lower river  
12      reaches. We feel that the political pressure from Cal Trout  
13      and others caused this scientific review to be ignored.  
14      Also do not forget that the hydrology study done at the  
15      "University" of Iowa specifically stated that the results of  
16      the thermal curtains on Shasta and Whiskeytown lakes was not  
17      transferable to Almanor because Almanor is a shallow water  
18      lake.

19                "We also believe that there is no scientific  
20      evidence before 1915" and the building of Canyon Dam, that  
21      the North Fork of the Feather River "was a cold water river  
22      during late summer. The Middle Fork [of the] Feather River  
23      is a very comparable river that, as you know, is protected  
24      as a 'Wild [and] Scenic River' and has [never had any] dams.  
25      It is also feed by" snowpack -- by "snowmelt in the spring  
26

1 and large natural springs in the late summer. The middle  
2 fork has temperatures well above 20" degrees Centigrade in  
3 the summertime.

4 "Why must the process be allowed to move forward  
5 with endless studies being paid for by the PG&E ratepayers  
6 and the California tax payers? There is already  
7 overwhelming evidence that the three thermal curtains will  
8 do irreparable [harm] to Lake Almanor and Butt Valley at a  
9 cost of \$53,000,000, and this is the clincher -- it won't  
10 even work at all in dry and drought years, which is almost  
11 half of the time [now]."

12 And you may think that this remark's tongue in  
13 cheek, but it's not. I'm dead serious about this.

14 "Consider the following:

15 "Let's suppose next year Cal Trout or others tell  
16 the Lake Tahoe authorities," go to the Lake Tahoe  
17 authorities and say "that the trout in the Truckee River,"  
18 now they're not dying or anything, but they "would like to  
19 have a little cooler water in August. So" -- they should  
20 dredge [up] 42,000 cubic yards of muck off the...bottom" of  
21 Lake Tahoe, install a 900-by-760-foot "thermal curtain; pile  
22 this muck up on the beach at Tahoe City, and spend  
23 \$53,000,000 doing it. Oh, and by the way there are sacred  
24 Native American sites in the dredging [area], and it will  
25 only help the Truckee River trout a little bit," one degree  
26

1 Centigrade and "every other year."

2 "The above plan would be immediately discarded as  
3 absurd! But you know what, the Prattville temperature  
4 modification plan is just as absurd.

5 "Enough is enough.

6 "Sincerely,

7 "Ed Wing, Chester."

8 (Applause.)

9 MR. MURPHY: Thank you. Thanks for your  
10 perseverance, all of you. I'm John Murphy. I am a Plumas  
11 County taxpayer, a PG&E ratepayer, and I'm a fisherman. I  
12 want you to know I strongly oppose the proposed thermal  
13 curtains. There is potential damage to Lake Almanor  
14 fisheries that we've heard about. And the longterm major  
15 cost to the taxpayers and ratepayers is wrong.

16 The data of the presentation I am giving you  
17 comes from the data on the 2105 website, primarily from Fish  
18 and Game and from PG&E reports. The July-August average  
19 water temperatures in the Rock Creek and Cresta reaches  
20 routinely range from 20, approximately, to 22 degrees C.

21 Fish and Game is apparently committed to trout  
22 habitat enhancement in the Rock Creek-Cresta reaches by  
23 attempting to maintain average water temperatures at a  
24 maximum of 20 degrees. While that sounds reasonable, one of  
25 the reports says that the trout at 20 degrees C have an

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1 80-percent probability of survival. If the temperatures  
2 drop to 19 degrees C, they have a hundred-percent  
3 probability of survival.

4 Perhaps 20 degrees is not really what is wanted,  
5 but lower. The Fish and Game plan to lower average water  
6 temperature some 20 to 40 miles downstream by drawing the  
7 coolest water from shallow Lake Almanor is at best a  
8 poorly-conceived plan.

9 Fish and Game's engineering model data predict a  
10 July-August average water temperature in that Rock  
11 Creek-Cresta area with two thermal curtains to be about 18  
12 degrees to 20.6 degrees in an average year. We've already  
13 heard about how many times we can have an average year.

14 From an engineering standpoint there is no margin  
15 for error. If their assumptions are correct, we will still  
16 pay -- incorrect -- we still pay for their experiment.

17 As an engineer and former program manager, I  
18 would neither design nor attempt to build a system that  
19 could not meet the customer's goals. In producing this  
20 mandate, it would seem that Fish and Game is desperately  
21 grasping at straws, hoping that this experiment might just  
22 work. Sound engineering is not based on hope. Fish and  
23 Game does not pay for this experiment; we do.

24 If the Lake Almanor thermal curtain is  
25 implemented, the character of our lake will surely change.

26

1 The thermal curtain will continually withdraw the coolest  
2 water from the lake yearlong, to lower July and August  
3 downstream temperatures.

4 With a warmer lake, can we expect the loss of  
5 cold-water fish? Can we expect an algae bloom? Can we  
6 expect the growth of new flora on the shoreline? I  
7 sincerely hope the Federal Regulatory Energy Commission will  
8 show the backbone to refuse the Fish and Game mandate, which  
9 would deplete the coolest water from Lake Almanor and Butt  
10 Lake in order to do an experiment in establishing trout  
11 habitat in the Rock Creek-Cresta reaches of the North Fork  
12 of the Feather River.

13 The future of our lake's in your hands.

14 (Applause.)

15 MR. MUDRE: Okay. Is there anyone else that has  
16 any comments that they'd like to give?

17 This gentleman. And just for...

18 MR. WRIGHT: If I may.

19 MR. MUDRE: If we could have a show of hands of  
20 other people -- if we weren't up against the time for the  
21 room, but I think we're going to have this done right. Does  
22 anyone besides this gentleman want to give comments?

23 Okay. We're in good shape then.

24 MR. WRIGHT: I thank you. My name is Walter  
25 Wright. I retired and moved to this Lake Almanor in 1989,

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1 had my properties improved and built at that particular  
2 time.

3 But as the gentleman spoke earlier this evening  
4 on alternative methods to cool that water downstream at the  
5 Rock Creek. I'm a cryogenic technician. I spent many years  
6 with Union Carbide Lending Division. Now as a suggestion,  
7 understand this as a suggestion, and the suggestion will not  
8 involve any endangerment or any tampering with our lake --  
9 I'm strictly opposed to do that -- but I would highly  
10 recommend, and the government has the money to do this and  
11 PG&E has their connections with the government, being a  
12 cryogenic technician, your liquified oxygen -- and they talk  
13 about oxidation in the water and lowering the temperature.  
14 Your liquified oxygen is 280 degrees. That's below zero.  
15 All right?

16 Now there's the LN2, liquified nitrogen, which is  
17 320 on up, on up, clear up to your helium, which is 453.  
18 Now I would recommend that they take into thought and  
19 consideration a liquified oxygen division at the point where  
20 they can release this liquified oxygen into the water.

21 Now this is an oxidizer. And the boiling point,  
22 as I said, is 280 degrees. If you put that raw oxygen,  
23 which is known as "LOx," directly into the flow of this  
24 water, it is going to bring that temperature down to where  
25 it is reasonable and agreeable. And the cost will be far

26

1 less than what we're looking at today through the proposal  
2 plan.

3 I thank you for listening to me.

4 (Applause.)

5 MR. MUDRE: All right. Thank you very much. Is  
6 there a Christine Berry here?

7 (No response.)

8 MR. MUDRE: Okay. Well, it looks like everybody  
9 who has signed up, and we've just asked, and there's no one  
10 else here who has any comments right now. If you think of  
11 something that you want to provide to us, we will be  
12 accepting written comments until November 1st. And you can  
13 send them in.

14 I want to thank everyone for coming out tonight.  
15 I think it's very a productive meeting. We're going to have  
16 another tomorrow down in Chico. Maybe we'll see some of you  
17 down there. But, again, thanks for coming. We're going to  
18 -- we've got the transcripts -- or we'll have the  
19 transcripts here. We're going to take all this information  
20 into account.

21 And, again, thanks for coming.

22 (Applause.)

23 (The meeting was adjourned at 8:53 p.m.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the  
FEDERAL ENERGY REGULATORY COMMISSION in the Matter of:

Name of Proceeding: COMMENTS on DRAFT EIS for the  
UPPER NORTH FORK FEATHER RIVER  
PROJECT, CALIFORNIA

Project No.: 2105

Place: CHESTER, CALIFORNIA

Date: TUESDAY, OCTOBER 19, 2004

were held as herein appears, and that this is the original  
transcript thereof for the file of the Federal Energy  
Regulatory Commission, and is a full correct transcription  
of the proceedings.

Nancy Palmer,  
Official Reporter